



EMPLOYMENT FIRST COMMITTEE

NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: June 17, 2014

TIME: 10:30 AM - 4:00 PM

LOCATION: Red Lion Hotel Woodlake
Conference Center, **Room 304**
500 Leisure Lane
Sacramento, CA 95815
Phone Number: **(916) 922-2020**

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Michael Brett at (916) 322-8481 or email michael.brett@scdd.ca.gov. Requests must be received by 5:00 pm June 12, 2014..

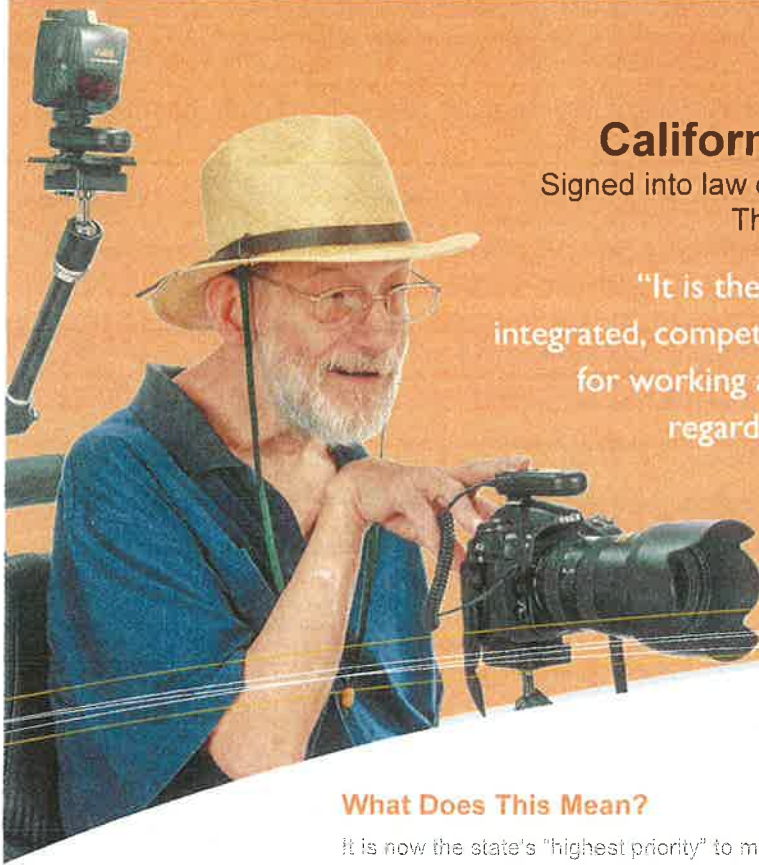
AGENDA

- | | |
|---------------------------------|-----------|
| 1. CALL TO ORDER | L. Cooley |
| 2. WELCOME/INTRODUCTIONS | L. Cooley |
| 3. ESTABLISH A QUORUM | L. Cooley |
| 4. PUBLIC COMMENTS | L. Cooley |

This item is for members of the public to comment and/or present information to the Council. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will also provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

5. REVIEW OF COUNCIL'S EMPLOYMENT FIRST POLICY FLYER	M. Polit	3
6. UPDATE ON DATA DASHBOARD	M. Polit	5
7. PLAN FOR EMPLOYMENT FIRST REPORT	M. Polit	
8. SHELTERED WORK and SUBMINIMUM WAGE	M. Kennedy M. Polit	
9. AJR 36 ON SUBMINIUM WAGE	M. Polit	17
LUNCH		
10. RECOMMENDATIONS OF EDUCATION PANEL	M. Polit	27
11. LEGISLATION ON SHARING DATA BETWEEN DEPARTMENTS	M. Polit	
12. SELF-ADVOCATES' PROJECT	L. Cooley	
13. DAY SERVICES HOLIDAYS	D. Dutton	
14. PLAN FOR NEXT MEETINGS	M. Polit	
15. ADJOURNMENT	L. Cooley	

For additional information regarding this agenda, please contact Michael Brett,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



California's Employment First Policy

Signed into law on October 9, 2013 by Governor Edmund G. Brown
The Lanterman Act, Section 4869(a)(1)

"It is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities."

What Does This Mean?

It is now the state's "highest priority" to make "integrated competitive employment" a real choice for people with developmental disabilities. These are jobs at typical workplaces, working together with people with and without disabilities. These are jobs at or above minimum wage, with the same wages and benefits that someone without a disability would make for the same work. It could also be self-employment. Higher education and vocational training can be used to prepare for a better job.

Getting Help

Students need to ask the school to prepare them for getting a job in their community making at least minimum wage. Students can ask for integrated work experiences. Those goals should be in the student's Individual Education Program (IEP). People can ask their regional center case manager to put integrated employment supports in the Individual Program Plan (IPP). The case manager can advise people on how to seek employment supports from the Department of Rehabilitation. After leaving school, the regional center can also purchase services which can help people prepare for work, get work, succeed on the job, or start their own small business.

Getting Work

It can be a lot of work to get a job. But with the right help, people can get a job and get paid well. People usually try out jobs or volunteer to see what they like. A person has to find out: What am I good at? What do I like to do? What kind of workplace will I do well in?



MORE INFORMATION on the Employment First Policy can be found on the website of the State Council on Developmental Disabilities at www.scdd.ca.gov/efp. This site also has an FAQ on Employment First, information on best practices, examples of people with good jobs, and information on how well California is doing making employment a real option for people with developmental disabilities.

FOR MORE INFORMATION ON YOUR OWN OPTIONS, contact your school or regional center and ask what they can do to support you or your family member to work, earn, and contribute.



"Having this job makes me successful because I have learned a lot of things. This job makes me happy because even though I'm the person that I am, they accept me here for who I am and they give me support."

~ Seleste
Lawrence Berkeley
National Laboratory



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The Employment First Policy will re-focus developmental services towards giving people a chance for jobs in their community that pay at least minimum wage; a chance to contribute and be valued at a work site; a chance to make friends with co-workers and be more a part of their communities; a chance to earn money to improve their quality of life; a chance for a life of greater dignity.

What the Employment First Policy Means to **Families**

With the right supports, children with developmental disabilities can grow up to get an integrated job, full-time or part-time, that pays at least minimum wage. With proper planning, public benefits can be protected (see www.db101.org). People with severe disabilities can work, make money, contribute, carry responsibilities, meet people and make friends through their work, and be part of the economic life of their communities - as we all expect to do. Just like for children without disabilities, families can talk about work and career around the dinner table, give their children responsibilities at home to develop a work ethic, help their children explore their interests, and make sure schools are doing their job to prepare students for work or for higher education. Schools should start preparing students for transition to work no later than 14-16 years of age. Preparing for and experiencing work should be a part of a student's IEP and IPP. Families can use their social and professional networks to help their working age children find work, just like they do with their children without disabilities.

What the Employment First Policy Tells **Regional Centers**

The first option to consider in the IPP is integrated, competitive employment. Regional centers must inform people that integrated work at regular pay is a real option and give people information on services to get employment. This is an opportunity for regional centers and providers to find ways to support people with developmental disabilities who want to work. All across California and in other states, there are great examples (see www.sccd.ca.gov/eip) of providers giving people the supports they need to succeed. Those good examples must be spread so everyone will be able to choose employment first.

What Employment First Policy Tells **Schools**

More people with developmental disabilities will be asking for an education that prepares them for integrated, competitive employment. All across California and in other states, there are great examples (see www.sccd.ca.gov/eip) of preparing students with developmental disabilities for work, providing work experiences, and helping them make a smooth transition to a regular job or to post-secondary education. These best practices must be spread so that every student will have those options.



Average Hourly Wage

In 2011, California asked about 8,400 regional center clients if they worked, and, if they did, how much they earned. People working in regular jobs made on average \$9.89/hour, while people working in small groups made about \$6.24/hour. This means that people in regular jobs made, on average, \$3.65/hour more than people in groups. This is 58% more per hour.

Integrated Competitive Employment \$9.89/hr.	Group Supported Employment Programs \$6.24/hr.	WAP, Day & Look Alike \$?/hr.	Other Consumers \$?/hr.
4,505	5,425	67,042	69,138

In 2011, only 4,505 working age regional center clients had regular jobs and only 5,425 worked in group supported employment. Over 67,000 attended day programs, sheltered workshops, and look alike day programs; most of those were not working, and many of those that do work earn less than minimum wage. Over 69,000 other regional center clients of working age are not served in any of these options.

What this page shows us: There are not many people in integrated competitive employment. There are only 3.1% of working age regional center clients in regular jobs and 3.7% working in small groups. 93.2% of them are in sheltered work or day services, or have no day services at all. The small slivers of the pie chart below shows how small those percentages are, and how far we have to go to support people in integrated work.



DATA SOURCE: National Core Indicators (FY 2011-2012)

The National Core Indicators (NCI) is a standard set of performance measures used by states to determine and track outcomes of services and supports offered to individuals with intellectual/developmental disabilities. Key areas such as employment, service planning, community inclusion, safety, rights, individual choices and health are measured. In California, in alternating years, survey questions are presented to adults with intellectual/developmental disabilities, their family or guardian. All survey participants for that year are administered the same standard questions about how they feel regarding the State services and support received. The results provide the California Department of Developmental Services (DDS) with measurable performance outcomes.

WHERE PEOPLE ARE SERVED

This page shows average number of regional center consumers receiving services statewide. In the last seven years, fewer people are in individual placement supported employment, which is integrated competitive employment. There are 1,000 more people in group supported employment, while fewer and fewer people are choosing sheltered work. Day and look alike day programs have increased a lot, by over 12,000 people.

Many day and look alike programs offer limited work experience to their clients. However, there is no data on how many clients work through these programs, how many hours a week they work, or what their hourly earnings are.

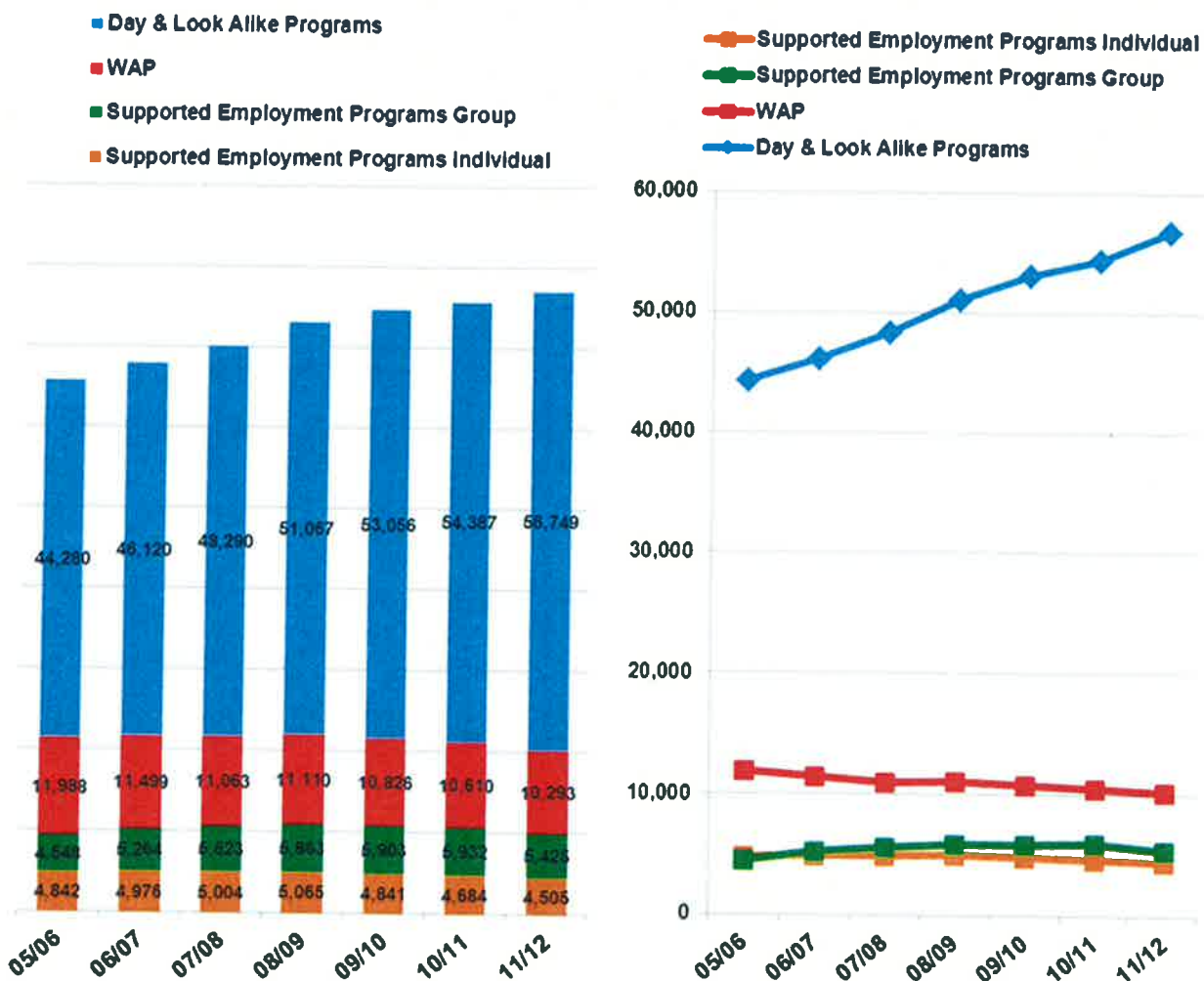
What this page shows us: Even though people want to work, and we know how to support them to work, the vast majority of service growth has been largely non-work programs. This means that most people who become adults go into non-work programs instead of employment services.

Fiscal Year	Supported Employment Programs Individual	Supported Employment Programs Group	WAP	Day & Look Alike Programs
05/06	4,842	4,548	11,988	44,280
06/07	4,976	5,264	11,499	46,120
07/08	5,004	5,623	11,063	48,290
08/09	5,065	5,863	11,110	51,067
09/10	4,841	5,903	10,826	53,056
10/11	4,684	5,932	10,610	54,387
11/12	4,505	5,425	10,293	56,749

This page displays the data three ways.

- (1) The table above shows the numbers over the past three years.
- (2) The bar chart below shows how many people are in each service type, with the integrated employment options being a relatively small number at the bottom.
- (3) The line chart below shows that integrated employment options are not going up, sheltered work is going down slowly, and day and look alike programs are

increasing rapidly. Therefore, all the growth in working age day services is being absorbed by day and look alike programs.



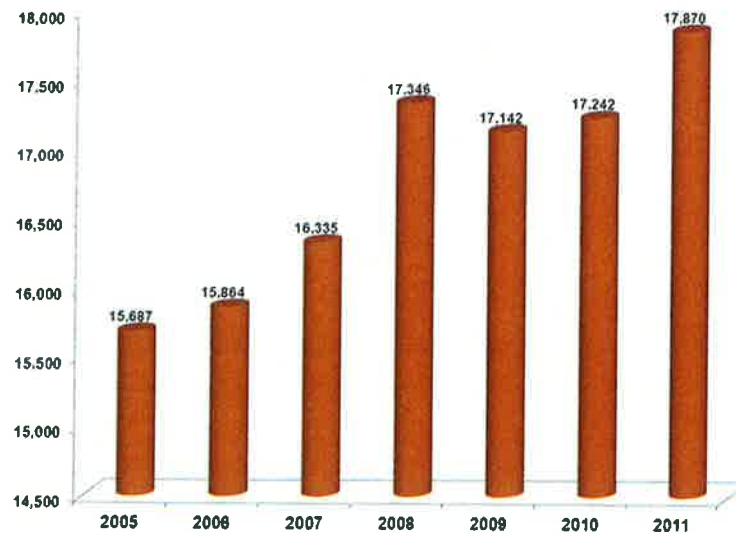
DATA SOURCE: DDS Purchase of Service (POS) system Hab Transition with Synthetic Waiver FY 05/06-11/12

The California Department of Developmental Services (DDS) accumulates consumer purchase of services information from 21 Regional Centers across California. The data provides the State with the number of consumers utilizing each program year to year. Also the data is a tool to measure program types and costs fundamental to community integration, and successful employment for consumers.

How Many Earned Wages

What this page shows us: This page shows how many working age regional center clients have earned money in each of the last seven years. The number of people making money has gone up slightly over time, interrupted by the great recession in 2009 and 2010. However, the percentage of working age regional center clients who do make money is still very small, only 12.5% in 2011. Even though the numbers of people with earnings are increasing slowly, the number of working age regional center clients has also been increasing.

Year	Average Number of Consumers Receiving Wages
2005	15,687
2006	15,864
2007	16,335
2008	17,346
2009	17,142
2010	17,242
2011	17,870



[View Average Monthly Earnings Data](#)

DATA SOURCE: The Employment Development Department (EDD) in conjunction with California Department of Developmental Services (DDS) identify consumers who have had employer reported earnings. The EDD data helps DDS measure the number consumers utilizing services each year to begin or maintain employment, plus their earnings. This data set is for regional center consumers, age 16 and older. Consumers with contract agreements are not covered by unemployment insurance. Therefore their earnings are not included in the EDD data, due to employers not being required to report contract earnings to EDD.

Average Monthly Earnings

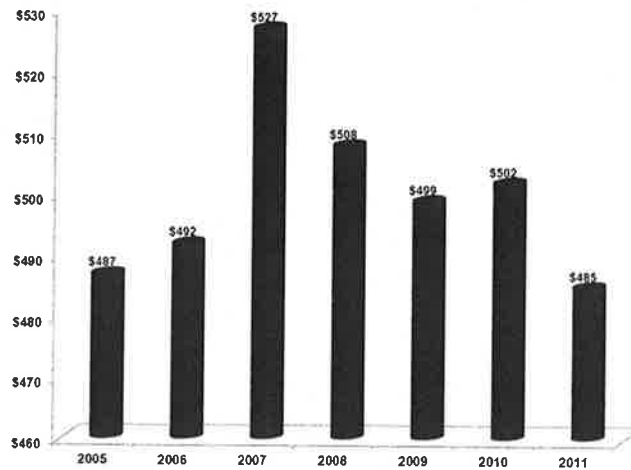
For those regional center clients who did receive a pay check, the table and chart below shows their average monthly earnings over the last seven years.

What this page shows us: Even regional center consumers who are making money appear to be under-employed, as their average earnings are very low.

The great recession had its biggest impact on working age regional center clients, not in how many had jobs, but in how much they made. While many kept jobs, on average they either worked fewer hours or were paid less.

The bar chart shows that wages went up at first, and then went back down during and after the great recession. Since these figures are NOT adjusted for inflation, on average their earning power has decreased over time.

Year	Average Monthly Consumer Wages
2005	\$487
2006	\$492
2007	\$527
2008	\$508
2009	\$499
2010	\$502
2011	\$485



DATA SOURCE: Employment Development Department (EDD) in conjunction with California Department of Developmental Services (DDS) identify consumers who have had employer reported earnings. The EDD data helps DDS measure the number consumers utilizing services each year to begin or maintain employment, plus their earnings. Consumers with contract agreement are not covered by unemployment insurance. Therefore their earnings are not included in the EDD data, due to employers not being required to report contract earnings to EDD.

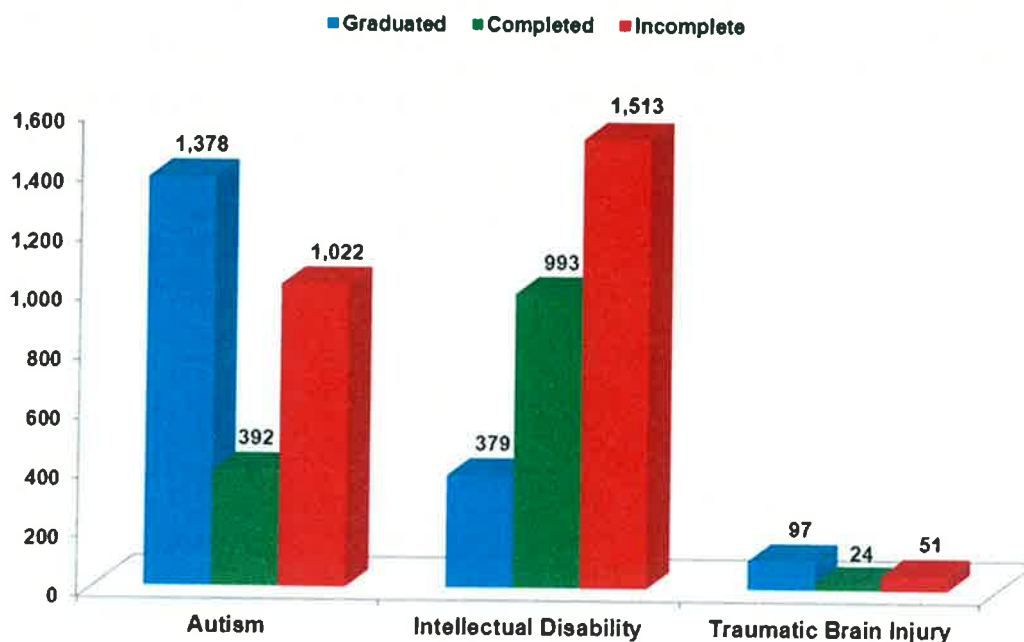
Education Data

For June 30, 2013, the California Department of Education reports that 5,849 students with significant disabilities (autism, intellectual disabilities and traumatic brain injury) left K-12 education. Of those, 32% graduated, 24% received a certificate of completion, and 44% either dropped out or aged out. The table below shows more details, including the different ways a student can graduate high school with a diploma or equivalent and the ways students leave school without completion.

What this page shows us: Most students with significant disabilities are struggling to complete high school. Of those students who graduated, most had autism, and very few had an intellectual disability. Most of those with certificate of completion had an intellectual disability.

More than half of students with an intellectual disability either dropped out or aged out. Finishing high school is a requirement for many entry level jobs.

2012 - 2013 Academic Year	Autism	Intellectual Disability	Traumatic Brain Injury	Totals
Grad. high school with regular diploma	1,126	203	69	1,398
Received high school completion (GED)	6	12	0	18
Grad. High school with diploma using exemption	188	133	21	342
Grad. High school with a diploma using waiver	58	31	7	96
Graduated Subtotal	1,378	379	97	1,854
Grad. high school with certificate of completion	392	993	24	1,409
Complete Subtotal	392	993	24	1,409
Reached maximum age (22)	366	987	16	1,369
Dropped out	294	300	24	618
Parent/self withdrawal if over 18	362	226	11	599
Incomplete Subtotal	1,022	1,513	51	2,586
Totals	2,792	2,885	172	5,849

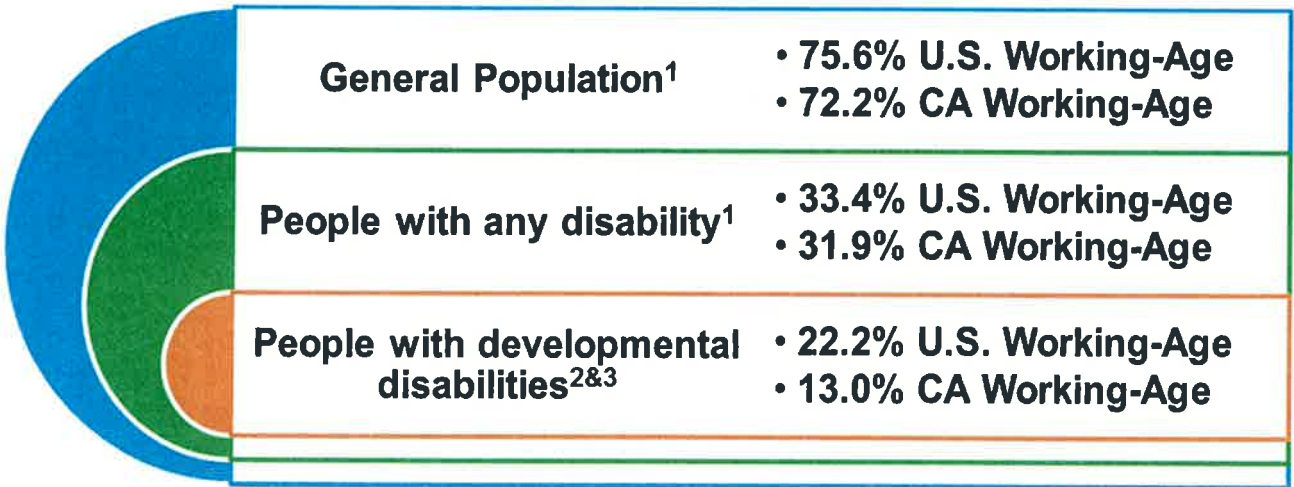


DATA SOURCE: The California Department of Education (CDE) provides special educational services to children with disabilities meeting their unique needs, in the least restrictive environment. Required by the Individuals with Disabilities Education Act (IDEA) and Elementary and Secondary Education Act (ESEA), all students must be included in the statewide assessment and accountability system. CDE developed and implement alternate performance assessment for disabled children who could not take part in the general "California Standards Tests". CDE along with other state agencies provide help preparing disabled children and young adults' transition from school to employment and a quality adult life. Graduating high school is essential for improving employment opportunities and lifestyles for disabled young adults.

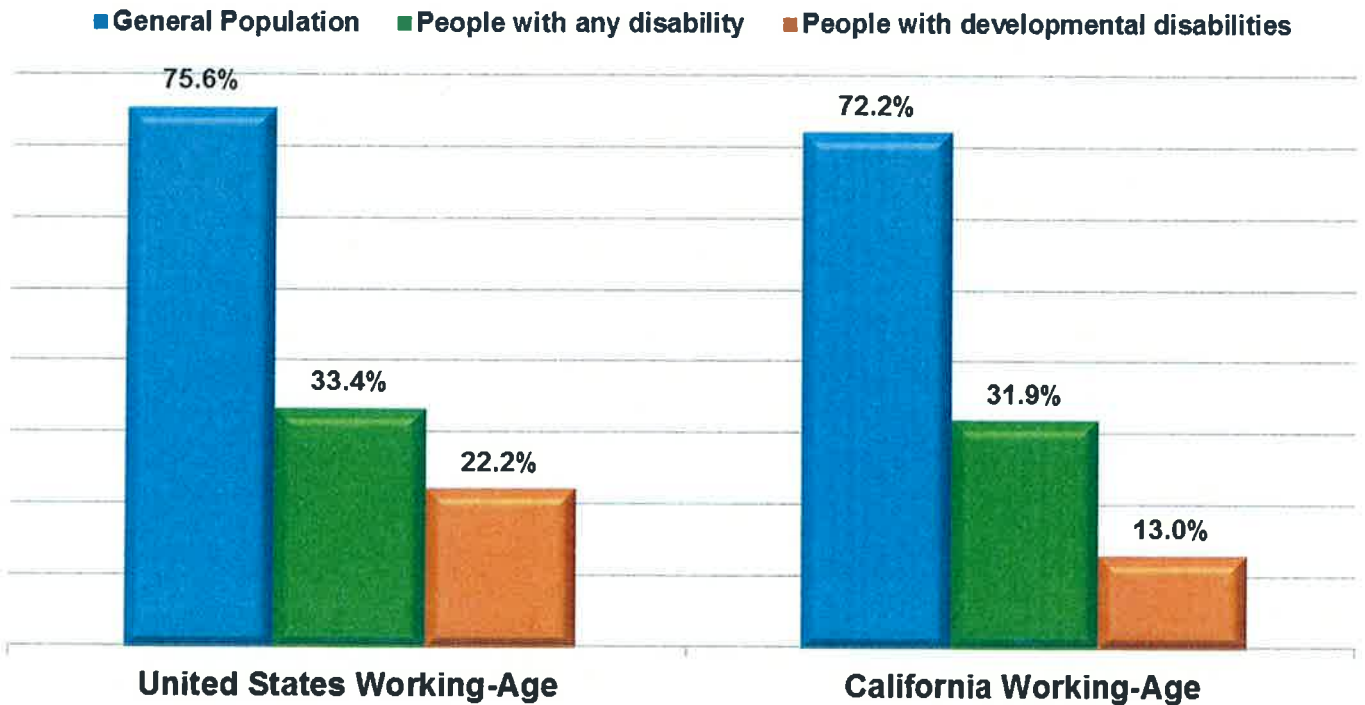
The data is from California Department of Education as of June 30, 2013.

Employment Rates (2011)

What this page shows us: The employment rate of people with disabilities is far behind the employment rate for people without disabilities; and the employment rate for people with developmental disabilities is far behind the rate for people with all types of disabilities.

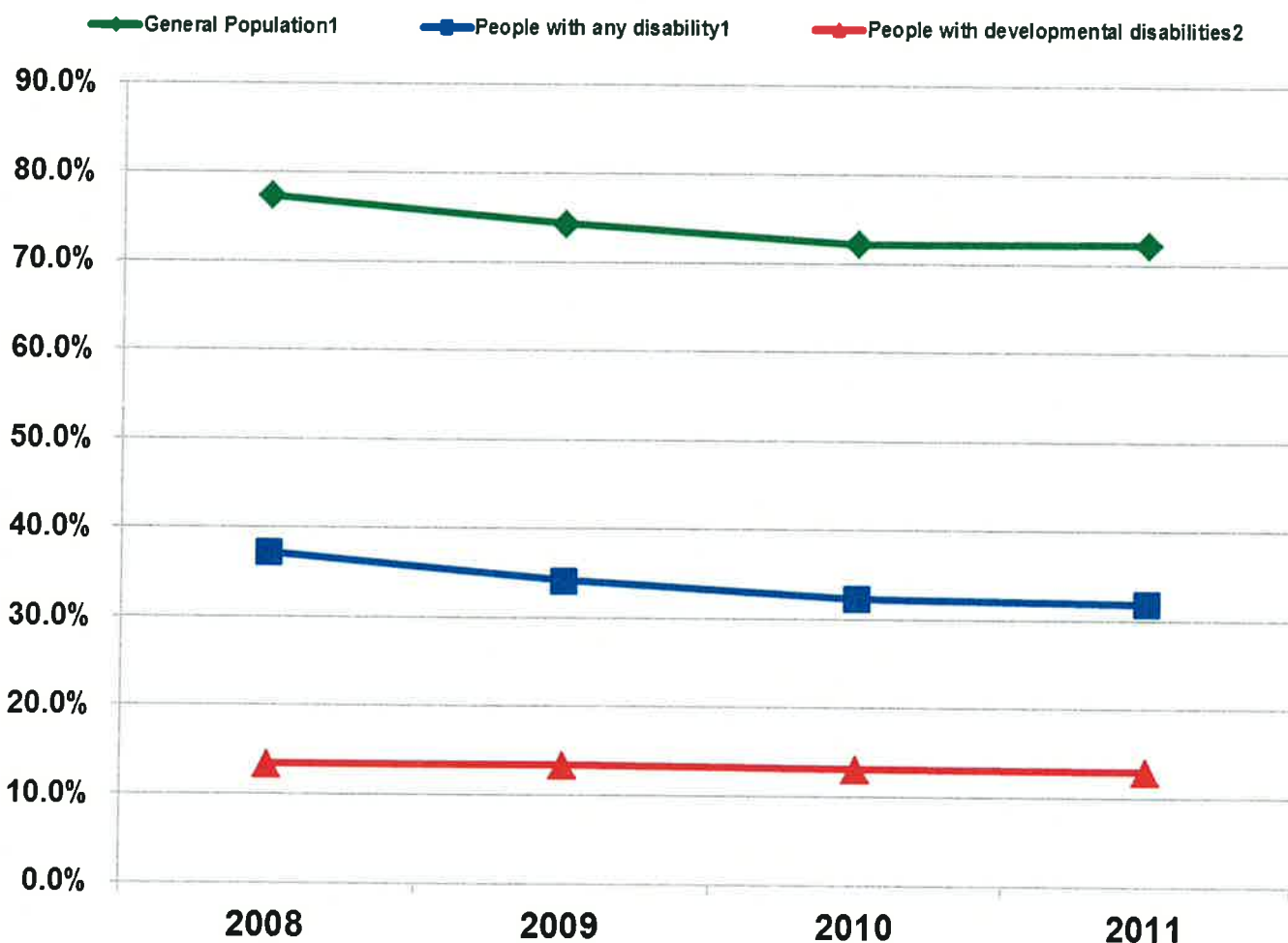


****Please see footnotes for Working-Age**



Year	General Population ¹	People with any disability ¹	People with developmental disabilities ²
2008	77.3%	37.2%	13.4%
2009	74.3%	34.2%	13.4%
2010	72.1%	32.3%	13.1%
2011	72.2%	31.9%	13.0%

California Employment Rate



¹The data is from the 2008-2011 Disability Status Report, California, by Cornell University, based on analysis of the US Census Bureau's, American Community Survey (ACS), pages 32 for 2008, 31 for 2009-2011. The data reflects non-institutionalized working-age people (21-64) with/without disabilities working in California. The six types of disabilities included in the data are: sensory, physical, mental, self-care, go-outside-home, and employment.

²The data is from the Employment Development Department (EDD). California EDD data reflects wages reported to EDD for the purpose of Unemployment Insurance reporting, a limitation of the data as some people have contract earnings that are unreported.

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 36

Introduced by Assembly Member Gonzalez
(Coauthor: Senator Hueso)

February 19, 2014

Assembly Joint Resolution No. 36—Relative to wages.

LEGISLATIVE COUNSEL'S DIGEST

AJR 36, as amended, Gonzalez. Special Minimum Wage Certificate Program.

This measure would urge the United States Congress to phase out the use of the Special Minimum Wage Certificate provision and eventually repeal Section ~~14(e)~~ 14(c) of the 1938 Fair Labor Standards Act.

Fiscal committee: no.

- 1 WHEREAS, Meaningful employment, and the wages associated
- 2 with it, can be an integral part of enabling human dignity and
- 3 creating more meaningful lives for disabled persons; and
- 4 WHEREAS, The 1938 federal Fair Labor Standards Act sets
- 5 out in Section 14(c) the ability for entities that employ disabled
- 6 persons to obtain special minimum wage certificates from the
- 7 United States Department of Labor's Wage and Hour Division
- 8 which entitle them to pay a disabled worker less than the legislated
- 9 minimum wage rate; and
- 10 WHEREAS, The 1938 Fair Labor Standards Act's subminimum
- 11 wage provisions were created in the era of the Great Depression
- 12 with the intent of subsidizing sheltered workshops which could

1 not afford to pay their workers full wages and, some may argue,
2 incentivizing private companies to employ disabled persons; and

3 WHEREAS, These special wage rates are calculated according
4 to productivity with no specified wage floor; and

5 WHEREAS, The productivity-based calculation of a special
6 minimum wage is generally done by a complicated “time study”
7 which entails an administrator comparing how fast a disabled
8 worker is able to complete a certain task compared to nondisabled
9 workers; and

10 WHEREAS, There *are* differing work and equipment conditions
11 beyond the worker’s control, a lack of oversight and enforcement
12 by the Wage and Hour Division for the special minimum wage
13 certificates, a lack of consistency in the time study tests done by
14 employers, and a singling out of disabled workers given that the
15 general workforce is not subjected to standards of timed
16 productivity, ~~the time study practice to determine that wages are~~
17 ~~both inconsistent and unfair productivity~~; and

18 WHEREAS, ~~Time studies study practices used to determine~~
19 ~~special wage rates are both inconsistent and unfair~~ and the
20 subminimum wages they produce have been described by disabled
21 workers throughout the media as humiliating, degrading, and
22 making them feel like “second-class citizens”; and

23 WHEREAS, Some entities have claimed that the special
24 minimum wage certificates are an essential stepping stone to
25 permanent and fully paid employment in the general workforce.
26 The Psychiatric Rehabilitation Journal published empirical
27 evidence in 2004 which suggested that sheltered workshops are
28 generally ineffective at progressing the disabled workers, while
29 for other employers the special minimum wage certificates serve
30 as an incentive to exploit disabled workers rather than integrate
31 them into the mainstream economy; and

32 WHEREAS, It has been widely documented that many of the
33 organizations which employ disabled persons are in financial
34 situations that would enable them to pay minimum wage to all of
35 their disabled employees, evident in the high compensation
36 packages paid to their executives; and

37 WHEREAS, Some employers, such as the National Industries
38 for the Blind, have already recognized the exploitive nature of
39 paying disabled workers subminimum wage and have been able
40 to transition to the payment of Federal minimum wage, or higher,

1 to their disabled employees without a significant change in
2 profitability or a reduction in their workforce; now therefore, be
3 it

4 *Resolved by the Assembly and the Senate of the State of*
5 *California, jointly,* That the Legislature of California request that
6 the United States Congress should phase out the use of the Special
7 Minimum Wage Certificate provision and eventually repeal Section
8 14(c) of the 1938 Fair Labor Standards Act to support the goal of
9 competitive integrated employment of people with disabilities
10 through the use of modern practices of vocational training,
11 improved technology, and innovative rehabilitation and
12 employment strategies; and be it further

13 *Resolved,* That the Chief Clerk of the Assembly transmit copies
14 of this resolution to the Speaker of the House of Representatives,
15 to the Majority Leader of the Senate, and to each Senator and
16 Representative from California in the Congress of the United
17 States.

O

Date of Hearing: April 23, 2014

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Roger Hernández, Chair

AJR 36 (Gonzalez) – As Amended: March 25, 2014

SUBJECT: Special Minimum Wage Certificate Program.

SUMMARY: Urges Congress to phase out the use of the Special Minimum Wage Certificate provision and eventually repeal Section 14(c) of the 1938 Fair Labor Standards Act to support the goal of competitive integrated employment of people with disabilities through the use of modern practices of vocational training, improved technology, and innovative rehabilitation and employment strategies. Specifically, this resolution makes the following legislative findings and declarations:

- 1) Meaningful employment, and the wages associated with it, can be an integral part of enabling human dignity and creating more meaningful lives for disabled persons.
- 2) The 1938 federal Fair Labor Standards Act sets out in Section 14(c) the ability for entities that employ disabled persons to obtain special minimum wage certificates from the United States Department of Labor's Wage and Hour Division which entitle them to pay a disabled worker less than the legislated minimum wage rate.
- 3) The 1938 Fair Labor Standards Act's subminimum wage provisions were created in the era of the Great Depression with the intent of subsidizing sheltered workshops which could not afford to pay their workers full wages and, some may argue, incentivizing private companies to employ disabled persons.
- 4) These special wage rates are calculated according to productivity with no specified wage floor.
- 5) The productivity-based calculation of a special minimum wage is generally done by a complicated "time study" which entails an administrator comparing how fast a disabled worker is able to complete a certain task compared to nondisabled workers.
- 6) There are differing work and equipment conditions beyond the worker's control, a lack of oversight and enforcement by the Wage and Hour Division for the special minimum wage certificates, a lack of consistency in the time study tests done by employers, and a singling out of disabled workers given that the general workforce is not subjected to standards of timed productivity.
- 7) Time study practices used to determine special wage rates are both inconsistent and unfair and the subminimum wages they produce have been described by disabled workers throughout the media as humiliating, degrading, and making them feel like "second-class citizens."
- 8) Some entities have claimed that the special minimum wage certificates are an essential stepping stone to permanent and fully paid employment in the general workforce. The

Psychiatric Rehabilitation Journal published empirical evidence in 2004 which suggested that sheltered workshops are generally ineffective at progressing the disabled workers, while for other employers the special minimum wage certificates serve as an incentive to exploit disabled workers rather than integrate them into the mainstream economy.

- 9) It has been widely documented that many of the organizations which employ disabled persons are in financial situations that would enable them to pay minimum wage to all of their disabled employees, evident in the high compensation packages paid to their executives.
- 10) Some employers, such as the National Industries for the Blind, have already recognized the exploitive nature of paying disabled workers subminimum wage and have been able to transition to the payment of Federal minimum wage, or higher, to their disabled employees without a significant change in profitability or a reduction in their workforce.

FISCAL EFFECT: None

COMMENTS: This resolution urges Congress to phase out and eventually repeal Section 14(c) of the federal Fair Labor Standards Act (FLSA), also known as the Special Minimum Wage Certificate program.

Brief Background on Section 14(c) of the FLSA

A 2005 paper prepared¹ by the Congressional Research Service describes the history of the FLSA Section 14(c) program as follows:

"Under Section 14(c) of the Fair Labor Standards Act (FLSA), persons with various physical or mental disabilities (or persons who have vision impairment or are blind) can be employed at rates below the otherwise applicable federal minimum wage. Under certificates issued by the Secretary of Labor, their wages are set at a level *commensurate* with their productivity and reflective of rates found to be *prevailing* in the locality for essentially "the same type, quality, and quantity of work." For these workers, under current law, there is no other statutory wage rate.

The origins of Section 14(c) treatment of persons with disabilities go back at least to the National Industrial Recovery Act (NIRA) of 1933-1935. Under the NIRA, a productivity-based sub-minimum wage, arranged through a system of certificates, was established for persons with disabilities. In competitive industry, such workers were payable at 75% of the industry minimum. In *sheltered workshops*, there was no wage floor. The NIRA was declared unconstitutional in 1935.

With passage of the FLSA in 1938, the certification system was reestablished under Section 14 of the Act. No statutory wage floor was set for persons with disabilities, though, *administratively*, minimum wages for the disabled in competitive industry came to be set at 75% of the federal/FLSA minimum. In the sheltered workshops, the floor was productivity-based with no lower limit. Under the 1966 FLSA amendments, the system

¹ Whittaker, William G. "Treatment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act." Congressional Research Service. (February 9, 2005).

was modified. The rate for persons with disabilities was set *in statute* at not less than 50% of the FLSA minimum, both in competitive industry and in workshops, except that in separate *work activities centers* where employment was largely therapeutic and its economic content *inconsequential* there was no statutory floor.

Charges of inequities followed — together with a rapid expansion of employment in the *work activities centers*. Some suggested that workers with vision impairment should not, on that basis alone, be included under the Section 14 reduced wage option. A number of studies subsequently reviewed operation of the system.

Congressional hearings on the issue were conducted repeatedly through the years. In 1986, Section 14(c) was amended to remove the separation of workshops and work activities centers — and to eliminate any statutory wage floor for persons with disabilities in certificated employment. In theory, such workers were to be paid a wage *commensurate* with their productivity. In 1994, further hearings were held and it was asserted that the entire system of productivity-based sub-minimum wage rates was inequitable and unworkable. The law, however, supported by employers of workers with disabilities, was not altered."

Controversy Around FLSA Section 14(c)

For many years, the special minimum wage certification program has generated heated debate on both sides of the issue. One commentator² described the nature of the debate as follows:

"There is disagreement among many factions of the disability community regarding the efficacy and integrity of the Section 14(c) wage certificate program of the Fair Labor Standards Act (FLSA) which allows employers to pay workers with disabilities a special minimum wage based on their productivity. Some believe this program may keep disabled employees in isolated workshop environments and often allows them to be paid less than the federal minimum wage. Others believe that some form of financial support is essential to creating and maintaining jobs for people with disabilities. The initial legislation was passed to give individuals with disabilities a chance to work when the perspective on disability was very different than it is today. As views have changed, this program seems to no longer be fully aligned with the national disability agenda. Although Section 14(c) gives individuals with disabilities the experience of working, it allows them to be paid less than prevailing wage, and in some instances isolates them and fails to integrate them fully with their non-disabled peers. Federal legislation was introduced that would repeal Section 14(c) and prohibit the payment of special minimum wages. While this legislation will potentially leave hundreds of thousands of workers without employment, opponents argue that special minimum wage certificates are antithetical to current national disability policy promoting integration and financial independence for individuals with disabilities."

² Nye, Gretchen. "The Uncertain Future of Section 14(c) of the Fair Labor Standards Act." The George Washington University School of Public Health and Health Services, Department of Health Policy. (June 2013).

Provisions Under California Law

The California Labor Code contains two specific provisions related to the payment of subminimum wage to individuals with disabilities:

Labor Code Section 1191 provides as follows:

"For any occupation in which a minimum wage has been established, the commission may issue to an employee who is mentally or physically handicapped, or both, a special license authorizing the employment of the licensee for a period not to exceed one year from date of issue, at a wage less than the legal minimum wage. The commission shall fix a special minimum wage for the licensee. Such license may be renewed on a yearly basis."

Labor Code Section 1191.5 provides as follows:

"Notwithstanding the provisions of Section 1191, the commission may issue a special license to a nonprofit organization such as a sheltered workshop or rehabilitation facility to permit the employment of employees who have been determined by the commission to meet the requirements in Section 1191 without requiring individual licenses of such employees. The commission shall fix a special minimum wage for such employees. The special license for the nonprofit corporation shall be renewed on a yearly basis, or more frequently as determined by the commission."

AUTHOR'S STATEMENT IN SUPPORT OF THE RESOLUTION:

The author's fact sheet for AJR 36 states the following:

"This legislation was enacted in 1938, a time when not only was it difficult for organizations that had struggled through the Great Depression to pay disabled workers full wages, but also a time when the disabled community was viewed very differently.

The use of a Special Minimum Wage Certificate, commonly referred to as a "subminimum wage" contributes to an outdated perception of disabled persons as inherently less productive and less valuable than others. This has been proven over and over again to be incorrect by programs that effectively match disabled workers with jobs that complement their skills and abilities.

This perception is reinforced by the "time studies" used in calculating the subminimum wage rate. Disabled employees are timed while performing a task, such as hanging clothes, to calculate their job productivity compared to a nondisabled person performing the same task. These time studies have been described as degrading by disabled workers, lack oversight by the federal government, and are often misleading because of differing work conditions.

The subminimum wage rates assigned are also difficult for disabled workers to appeal when they believe the rate does not accurately reflect their abilities, because the evidence submitted regarding the supposed productivity comes solely from the employer, and there

are no legal penalties against employers who are found to be underpaying a disabled employee.

Proponents of Section 14(c) often claim that subminimum wages are an effective tool to train and then transition disabled workers into competitive, integrated employment. However, a 2001 Governmental Accountability Office Report found that most disabled workers employed in sheltered workshops do not move on to competitive employment. In 2000 55% of the workers in sheltered workshops had worked there for five or more years.

Furthermore, many organizations which employ disabled workers have shown that businesses do not need this program to be successful. For instance, National Industries of the Blind was able to transition to paying all of its workers at least the federal minimum wage without any of its facilities going out of business.

US Secretary of Labor Thomas Perez has recently acknowledged these problems and said that the Section 14(c) program "has worked to the detriment of people with disabilities." Additionally, a recent increase by President Obama in the minimum wage of federal contractors included disabled workers for the first time, marking a significant step forward in this issue."

ARGUMENTS IN SUPPORT:

The National Federation of the Blind (NFB) supports this resolution, stating:

"This section of the law authorizes the outrageous practice of paying people with disabilities less than the minimum wage. As long as Section 14(c) is law, people with disabilities will be trapped in segregated subminimum wage work environments. We believe that competitive integrated employment should be the goal for all individuals, with or without disabilities. With the use of modern technology, vocational rehabilitation, and high expectations people with disabilities are able to reach their full vocational potential.

Written in 1938, Section 14(c) of the Fair Labor Standards Act allows entities to obtain special wage certificates which authorize these entities to pay people with disabilities subminimum wages, some as low as pennies per hour. [NFB] believes this practice is antiquated, immoral and discriminatory. The characteristic of disability should not be sufficient to warrant the payment of subminimum wages.

As stated in your resolution over 400,000 people with disabilities are being unfairly paid less than the minimum wage. We applaud your efforts to phase out and repeal Section 14(c) of the Fair Labor Standards Act and urge the California Assembly to expeditiously adopt Assembly Joint Resolution 36."

ARGUMENTS IN OPPOSITION:

The Alliance, which describes itself as a statewide coalition supporting the lives of thousands of people with intellectual and developmental disabilities in a wide variety of programs, including employment programs, opposes this measure.

They argue that this resolution is a well-meaning but very damaging effort to improve employment outcomes for people with significant disabilities. They contend that this resolution implies that all workers, regardless of their disability, should be able to compete with workers without disabilities. But what if, as a result of their disability, they cannot complete the same amount of work or work at the same rate as someone without a disability?

They argue that for some, their ability to work will always require extensive services and supports. It is not up to the families, advocates, service providers or others to decide up-front what the potential of a person with disabilities will be. It is not appropriate to label someone's capability for life or to deprive them of opportunities for advancement. But it is also inappropriate to label them as having no disability that impacts their ability to work in competitive employment. Without Section 14(c) of the FLSA, persons are told that unless they can compete, they will simply be unable to work.

The Alliance argues that if this resolution passes, it would lead to the elimination of the tool of productivity-based wages and these worker's jobs would be at risk.

They conclude that our collective goal should be to improve employment outcomes for people with disabilities. Causing some who can't compete with workers without disabilities to lose their jobs will not create a single new job for anyone. They contend that, while clearly not its goal, application of the principles in this resolution would unfortunately cost thousands of people their jobs.

RELATED LEGISLATION:

SB 1109 (Hueso) would address this issue in a number of ways related to state contracts for services.

First, SB 1109 would provide that a successful bidder on specified state service contracts is not authorized to use the minimum wage exemption (under the Labor Code provisions discussed above) for any employee, engaged in any way, in providing services under the contract.

Second, SB 1109 would establish statewide participation goals of not less than 3 percent for persons with disabilities business enterprises, as defined, to participate in state service contracts.

Finally, existing law authorizes a state or local to purchase materials and supplies manufactured and services provided by public or private nonprofit California corporations operating community rehabilitation programs serving persons with disabilities that have indicated an interest in supplying those goods without advertising or calling for bids. SB 1109 would require that a corporation employing persons with disabilities under a contract with a state agency for goods or services described above pay all of its employees at least the state minimum wage for work on the contract.

SB 1109 is pending in the Senate Committee on Governmental Organization.

REGISTERED SUPPORT / OPPOSITION:

Support

National Federation of the Blind

Opposition

Achievement House, Inc.
Advocacy for Respect and Choice
California Elwyn (Orange County)
Carl R. Ochsner, M.S.
NCI Affiliates, Inc.
San Gabriel Valley Training Center
The Alliance

Analysis Prepared by: Ben Ebbink / L. & E. / (916) 319-2091

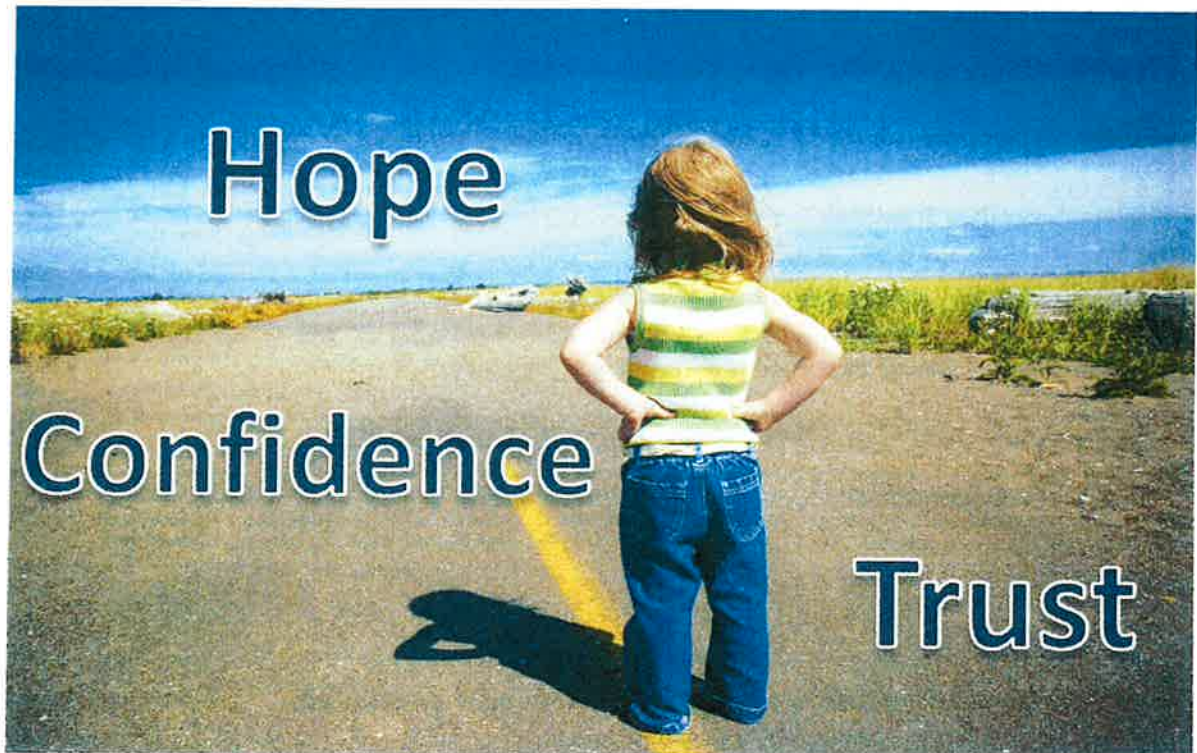
RECOMMENDATIONS OF MARCH 11, 2014 EFC EDUCATION PANEL

On March 11, 2014, the Employment First Committee had a panel presentation and discussion with Jill Larson (Department of Rehabilitation), Geri Fuchigami (LAUSD), Patti Shetter (UC Davis MIND Institute), and Sue Sawyer (California Transition Alliance). All presenters have been leaders within K-12 education on the transition of students with disabilities to either post-secondary education or integrated employment.

After a lengthy discussion with the EFC, the panelists focused on the following recommendations, which the EFC decided to discuss during the June meeting:

- (1) Aggressive dissemination of information on employment first and transition. This includes SCDD regional office dissemination of the employment first policy information piece, “Secondary Transition Planning: The Basics” information piece, and a video promoting employment.
- (2) Define the requirements to receive a certificate of completion, so that it becomes a work/secondary education readiness document.
- (3) Promote transition coordination between schools, DOR, and regional centers. Create one meeting that addresses education, employment and individual program plan for transition.
- (4) Guidance letter from DDS on use of regional center day and employment supports for students ages 18-21.

Secondary Transition Planning: The Basics
From Mandates to Practices that Lead to Successful Outcomes



Write IEPs that meet the Legal Mandate!

Implement IEPs using Best Practices that Lead to Positive Outcomes!!

High Expectations + Effective Transition Planning= Positive Outcomes
Readiness for College and Careers and Quality Adult Life
2014

Transition Planning: The Basics

From Mandate to Practices that Lead to Successful Outcomes

This document lists the Federal and State mandates for secondary transition on one page with corresponding research-based best practices on the opposite pages.

Following are the primary resources utilized:

National Collaborative on Workforce and Disability – Youth www.ncwd-youth.info

National Secondary Transition Technical Assistance Center www.nsttac.org

Transition Coalition www.transitioncoalition.org

National Office of Special Education programs www.osep.gov

California Department of Education www.cde.ca.gov/specialeducation

National Post School Outcome Center www.psocenter.org

Other References

**A Better Bottom Line: Employing People with Disabilities, Blueprint for Governors
2012-13 Chari's Initiative, National Governor's Association**

**Indicator 13 language is based on the NSTTAC Indicator 13 Checklist
Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the postsecondary goals (20 U.S. S.C.1416(a)(3)(B)).**

Indicator 14 information is based on the National Post- school Outcomes Center (NSPO).

**Further, the regulations recognize that there are numerous mediating factors that positively or negatively affect an adult's acquisition of goals for which a school could not be held accountable (IDEA Part B, 614,(d)(1)(A)VIII;300.1(a).
Translation: LEA is not responsible for decisions students make after leaving school.**



Copies of this resource are available for purchase at the California Transition Alliance Website www.catransitionalliance.org.

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Expectations are changing.

This document recognizes that expectations for youth are changing.

The educational system is focusing on college and career readiness-**transition for all, including students with disabilities**. This is placing an increasing need for all students to have a plan for their future as they leave the K-12 system. There is increasing focus on the value of post-secondary education as part of the path to employment for middle skill as well as high skill jobs. Earning a livable wage requires some postsecondary education and training.

There are multiple pathways to careers from on the job training, employer provided training, on-line educational opportunities, the military, apprenticeships, occupational certification, and traditional degree programs that are offered through community colleges and four year universities.

There is an increasing focus on Employment for All. Employment First initiatives emphasize that work is a right and a responsibility for everyone who is capable of working, including individuals with intellectual and developmental disabilities.

The Partnership for 21st Century Skills tells us that the four most critical skills for success in employment are the 4 Cs: **Communication, Collaboration, Critical Thinking Creativity**

There are lots of reasons people work for personal satisfaction and social development. The primary reasons people work are (in order of priority) are:

1. feel good about ourselves
2. be around others
3. continue to learn
4. stay physical active
5. need for money

There is increasing focus on post-school outcomes to find out what students are doing after they leave high school. We need to know if students who left school are working and/or pursuing post-school education and training.

The Bad News: National statistics define our challenge

20% of working age adults with disabilities are employed versus **70%** of people without disabilities.

25% of people with disabilities live in poverty with average annual incomes at less than \$15,000.

26% high schools offer work-based experiences versus 74% classroom based learning.

26% of workers with Intellectual Disabilities/Developmental Disabilities (ID/DD) are working in community employment, with the majority still in sheltered and non-work settings. Employment First initiatives are focusing on transitioning ID/DD youth directly to integrated competitive employment (ICE) as they leave school.

The Good News

People who are competitively employed are contributing to the economy.

- 600,000 scientists and engineers currently employed have disabilities.
- Employment training and vocational experiences lead to better post-school outcomes.
- Improvements occur in academic performance, school attendance, social development and increased problem-solving ability, enhanced "soft skills", job readiness, and knowledge of entrepreneurial skills.
- Some of the top innovators in the US have disabilities, including Chief Executive Officers of Ford Motor Company, Xerox, Turner Television and Apple.



Secondary Transition Services as Defined in IDEA

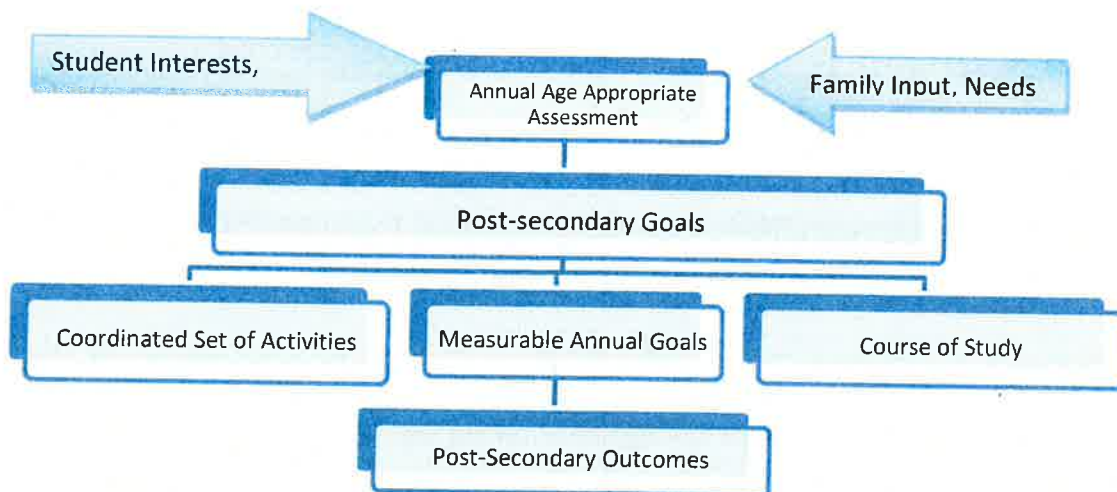
The term “transition services” means a coordinated set of activities for a child with a disability that (34 CFR 300.43(a) 120 U.S.C. 1401 (34):

- Is designed to be within a **results-oriented process**, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s **movement from school to post-school activities**;
- Including postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult services, independent living, or community participation;
- Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

And includes:

- To the extent appropriate, with the consent of the parents or child who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. (34 CFR 300.321(b)(3))
- Transition services, begin not later than the first IEP to be in effect when the child turns 16, or younger if determined by the IEP Team and are updated annually. The IEP must include measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including the course of study) needed to help the child in reaching those goals.

How to Construct the Transition Individualized Education Program



State Performance Plan

IDEA requires each state to develop a performance plan and evaluate progress toward achieving the goals listed on the plan.

The State of California's Performance Plan lists four indicators that specifically related to transition:

- (1) Increase graduation rate
- (2) Decrease the drop-out rate
- (13) Achieve compliance with federal guidelines on the IEP
- (14) Improve outcomes- employment, education/training, independent living

The California State Performance Plan Indicator 13: "Achieving compliance with Federal guidelines on the IEP"

Schools are required to document that they meet these elements of Indicator 13.

In order to be compliant the answer should be "yes" to each of these questions.

This tool ensures the IEP is written as required by federal regulations.

1. Are there **appropriate measurable postsecondary goals** in the areas of education & training, employment, and as needed, independent living?
2. Are the **postsecondary goals updated annually**? Were the goals addressed updated in conjunction with the development of the current IEP?
3. Is there evidence that the measurable postsecondary goal(s) were based on **age-appropriate transition assessment**?
4. Are there **transition services** in the IEP that will reasonably enable the student to meet his/her postsecondary goal?
5. Do transition services **include courses of study** that will reasonably enable the student to meet his or her postsecondary goal(s)?
6. Is (are) there **annual IEP goals related to the student's transition service needs**?
7. Is there **evidence that the student was invited to the IEP team meeting** where transition services were discussed?
8. If appropriate, is **there evidence that a representative of any participating agency was invited to the IEP team meeting** with prior consent of the parent or student who has achieved the age of majority? List not applicable (**NA**) if the agency is not did not participate because of age or grade.

1. Postsecondary Goals
 - Education and training
 - Employment
 - Independent Living
2. Update Annually
3. Age appropriate assessment
4. Transition services
5. Course of study
6. Annual goals directly related to postsecondary goals
7. Student Invited to the IEP
8. Representative of agency that provides post-school transition support invited to the IEP.

Remember, it is necessary to provide documentation in the student record of:

- Assessments
- Invitations to student
- Invitation to agencies

Some agencies develop agreements with school districts to participate in IEPs based on age and grade. It is appropriate to list Not Applicable based on these agreements.

Some agencies may not attend the IEP, but do provide services. These services need to be documented in the student's record.

INDIVIDUAL TRANSITION PLAN

Name: _____ Birthdate: _____ IEP Date: _____

7	Student invited: <input type="checkbox"/> Yes <input type="checkbox"/> No Describe how the student participated in the process: <input type="checkbox"/> Attended IEP Meeting <input type="checkbox"/> Interview <input type="checkbox"/> Inventory <input type="checkbox"/> Questionnaire	If Appropriate, and agreed upon, agencies invited: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	8
3	Age-appropriate transition assessments/instruments were used: <input type="checkbox"/> Yes <input type="checkbox"/> No Describe the results of the assessments:		
Student's Post Secondary Goal Training or Education (Required):			
Upon completion of school I will		Transition Service Code as Appropriate: 4	
Linked to Annual Goal # 6 Person/Agency Responsible: 1, 2		Activities to Support Post Secondary Goal: 4 Code 800-890	
		Community Experiences as Appropriate:	
		Related Services as Appropriate: 4 Other than 800	
Student's Post Secondary Goal Employment (Required):			
Upon completion of school I will		Transition Service Code as Appropriate: 4	
Linked to Annual Goal # 6 Person/Agency Responsible: 1, 2		Activities to Support Post Secondary Goal: 4	
		Community Experiences as Appropriate:	
		Related Services as Appropriate:	
Student's Post Secondary Goal Independent Living (As appropriate):			
Upon completion of school I will		Transition Service Code as Appropriate: 4	
Linked to Annual Goal # 6 Person/Agency Responsible: 1, 2		Activities to Support Post Secondary Goal: 4	
		Community Experiences as Appropriate:	
		Related Services as Appropriate:	

SANTA CLARA COUNTY
INDIVIDUAL TRANSITION PLAN

Page ____ of ____

Name: _____ Birth Date: ____/____/____ IEP Date: ____/____/____

District Graduation Requirements:	
Course of Study	
A multi-year description of student's coursework from current year to anticipated exit year, in order to enable the student to meet their post-secondary goal.	
If an education and career plan is attached, this statement is recommended. The attached course of study lists classes and graduation requirements that relate to postsecondary education/training and employment goals.	
Units/Credits Completed: _____	Units/Credits Pending: 5
Diplomas: <input type="checkbox"/> Yes <input type="checkbox"/> No	Certificate of Completion: <input type="checkbox"/> Yes <input type="checkbox"/> No
Anticipated Completion Date: ____/____/____	
CAHSEE (High School Exit Exam)	
<input type="checkbox"/> CAHSEE/ELA date: ____/____/____ Score: _____	<input type="checkbox"/> Passed <input type="checkbox"/> Did not pass
<input type="checkbox"/> CAHSEE/Math date: ____/____/____ Score: _____	<input type="checkbox"/> Passed <input type="checkbox"/> Did not pass
<input type="checkbox"/> CAHSEE: _____	
Age of Majority:	
<input type="checkbox"/> On or before the student's 17th birthday, he/she has been advised of rights at age of majority (age 18)	
By whom: _____	Date: ____/____/____
When you reach the age of 18, the age of majority, you have the right to receive all information about your educational program and make all decisions related to your education. This includes the right to represent yourself at an IEP meeting.	



Focus on Outcomes

SPP Indicator 14

There is an increasing emphasis on “outcomes” that answer this question:

What do our students do after they leave high school?

There is a need to conduct follow up surveys to verify the percentage of students who are no longer in school, had IEPs at the time they left, and were pursuing postsecondary education and training and/or employment goals.

Definitions of post-school outcomes

Higher Education	<ul style="list-style-type: none">• Enrolled full - or part-time• Community College (2 year program)• College/University (4 – more year program)• Completed at least one term
Competitive Employment	<ul style="list-style-type: none">• Worked for pay at or above minimum wage• Setting with others who are nondisabled• Average of 20 hours a week• 90 days at any time in the year since leaving high school• Includes military service
Other Postsecondary Education or Training	<ul style="list-style-type: none">• Enrolled full-or part-time• Education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school that is less than a 2-year program.• Completed at least 1 term
Other Employment	<ul style="list-style-type: none">• Worked for pay (including below minimum wage)• Self Employment• Work in a family business (farm, store, fishing, ranching, Catering, etc...)• 90 days at any time since leaving high school

Source: National Post-School Outcomes Center and National Secondary Transition Technical Assistance Center



The Best Way to Follow Up- Is to TALK with the student!

The National Post-school Outcomes Center recommends the following best practices to conduct follow up surveys after students leave school. These recommendations are strategies that have been recommended by families and youth.

1. Talk about it before students leave school.

- Explain its purpose, provide questions and timelines.
- Share the stories of former students- how many pursued postsecondary education and training; how many are working and what kinds of jobs they have.
- Provide information about the survey at the final IEP meeting.
- Ask students to join a Facebook page to maintain contact with students.
- Ask youth who they hope contacts them (a favorite teachers, coach, and school counselor).
- Ask youth who they would like to respond to the survey if they are not available.

2. Create familiarity- help students and their families to become familiar with the survey.

- Teach students the vocabulary on the survey.
- Share the survey with students and their families to provide it is legitimate, not a scam.
- Identify the person who has a relationship with the student to conduct the survey.

3. Show interest when conducting the survey- be attentive when youth share their stories.

- Be enthusiastic
- Be interested in the answers youth provide.
- Convey a non-judgmental tone when talking with youth; don't sound disappointed.
- Avoid reading the survey in monotone, use vocal inflections.

4. Provide incentives to former students as a reason to participate in the survey.

- Remind students that the information they share will help other students with disabilities.
- Remind students that they information will help the school do a better job.
- Provide information about jobs, colleges and services that students may need.
- Give gift certificates from local restaurants and businesses (given by businesses) to the hardest to locate youth.

5. Making Contact

- Contact family members near significant dates when youth may be in touch (holidays, etc)
- Maintain a list of family members still in school (cousins, siblings).
- Vary calls, leave message, call back info. Call each contact number three times each.

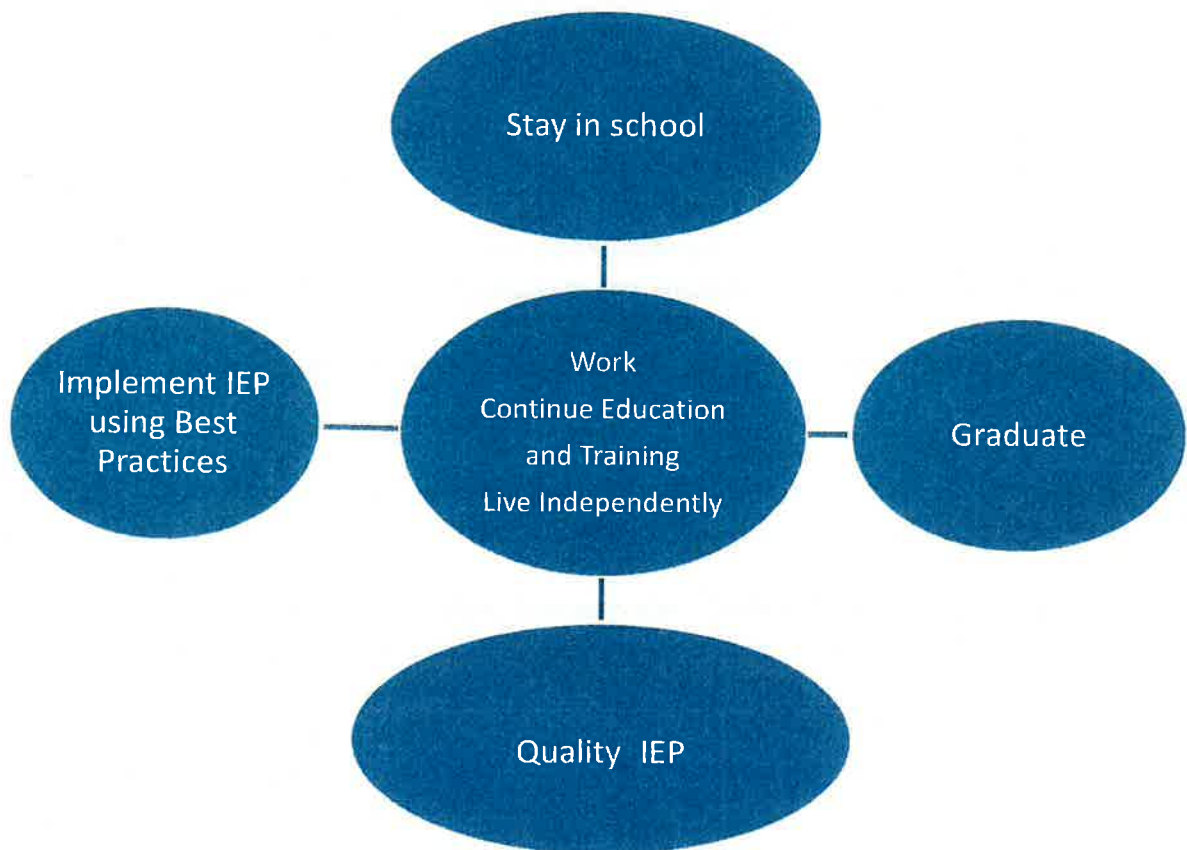


Do you use your information about student outcomes to improve your transition services?

Factors that Lead to Positive Outcomes for students with IEPs

SPP Indicator 17

Research and experience tells us that students who stay in school and graduate are more likely to be able to work and continue their education. For students with IEPs, quality IEPs written to meet the mandate **and** the spirit of transition have a higher likelihood of helping students prepare for their future. Finally, when well written IEPs are implemented using research-best best practices, students are even more likely to achieve positive outcomes.



Researched Best Practices; The National Secondary Transition Technical Assistance Center (NSTTAC) confirms the four highlighted factors have the greatest influence on achieving outcomes in all three areas (education/training, employment and independent living):

Research tells us these are the promising practices that lead to positive outcomes in education and employment **and** independent living.

Factor/Topic	Education	Employment	Independent Living
<i>Career Awareness</i>	✓	✓	
<i>Community Experience</i>		✓	✓
<i>High School Diploma</i>		✓	
<i>Interagency Collaboration</i>	✓	✓	
<i>Occupational Courses</i>	✓	✓	
<i>Parental Involvement</i>		✓	
<i>Program of Study</i>		✓	
<i>Self Advocacy</i>	✓	✓	
<i>Social Skills</i>	✓	✓	
<i>Transition program</i>	✓	✓	
<i>Vocational Education</i>	✓	✓	
<i>Work Study</i>		✓	
<i>Inclusion in general ed.</i>	✓	✓	✓
<i>Work Experience</i>	✓	✓	✓
<i>Independent Living Skills</i>	✓	✓	✓
<i>Student Support</i>	✓	✓	✓

Research and best practices inform us how to write and implement the IEP to achieve outcomes that are important for the student, the family and the community as students move toward adulthood.

Transition Prepares Youth for their Adult Roles
Productive Worker, Contributing Citizen, Responsible Family Member, Lifelong Learner
And Life Settings: Work, Home, Community and the Classroom (the learning environment)



1A Mandates: Write appropriate, measurable postsecondary goals. IDEA 2004 Section 614(d)(1)(A)(VIII)
 Postsecondary goals are statements of what the student will achieve after leaving high school. The goals must be stated in terms that can be counted as occurring or not occurring. Words like “hopes to, plans to” are not measurable.

What should measurable postsecondary goals look like?

Use this formula to state the goal:

After high school I will _____
 Behavior where/how

Example: After high school I will enroll at Shasta College to earn an Early Childhood Education credential

These postsecondary goals are examples of behaviors that are based on IDEA guidelines:

Postsecondary education / training goals

Required

- Enroll at a college or university
- Earn an occupational certificate
- Enroll in vocational training (ROP, beauty school, pet grooming, trucking school,)
- Enter the military for training in....
- Enter an apprenticeship
- Complete on the job training
- Enter Community based training ...

(May list major, industry, or job of interest as goals mature).

Employment Goals

Required

- Get a competitive job - work full time / part time
- Get a job - Supported Employment
- Get a job - Integrated Work Activity
- Start a business - Entrepreneurship
- Attend a Work Activity Program
- Do volunteer work in the community

Independent Living

As Needed

- Live independently
- Live with family, roommates
- Live independently with supportive services
- Live in group home
- Manage finances, household
- Access community – independently, use
- Use Public transportation,

2A: Mandates: Update Goals Annually

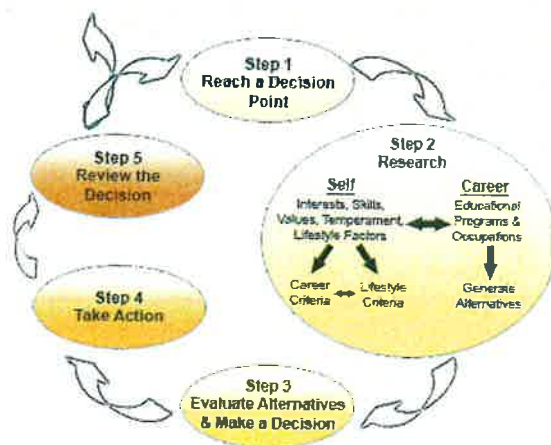
Goals will change as students gain experience, opportunities, training and work experience. They should change from general to specific as students grow and mature.



1B. Best Practices: Writing Appropriate Measurable Postsecondary Goals

When measurable postsecondary goals are the core of the IEP, the educational plan makes sense to students, parents, teachers, counselors and transition agency partners.

The IEP is based on student's goals. It is important that students learn and apply a decision-making process.



Set the expectation that students have the right and responsibility to work if they can. Focus the IEP on the **student's** plan for their future.



Engage students in decision-making process beginning at the latest, in middle school. Focus on the career/employment goal first. Utilize job information (O'NET) to validate education and training requirements and the skills needed for successful



Incorporate industry standards and common core academic standards in postsecondary and annual goal statements.



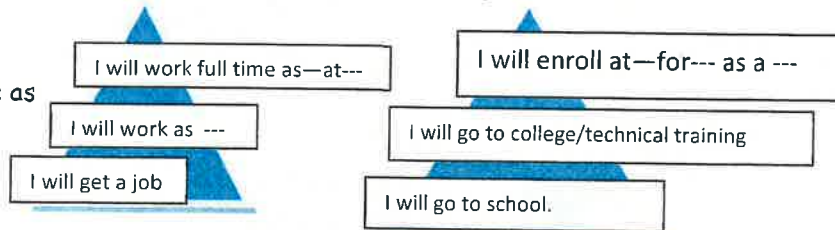
Validate goal statements annually using annual career / transition assessment data. Encourage students to present their goals through authentic assessments.



Engage students in developing their individualized learning plans, a planning tool developed by the National Collaborative on Workforce and Disability for Youth (NCWD-youth).



Goals move from general to specific as Students mature.



2B. Best Practice: Update goals annually

Goals need to be reviewed annually- students mature and have new experiences-their goals mature.

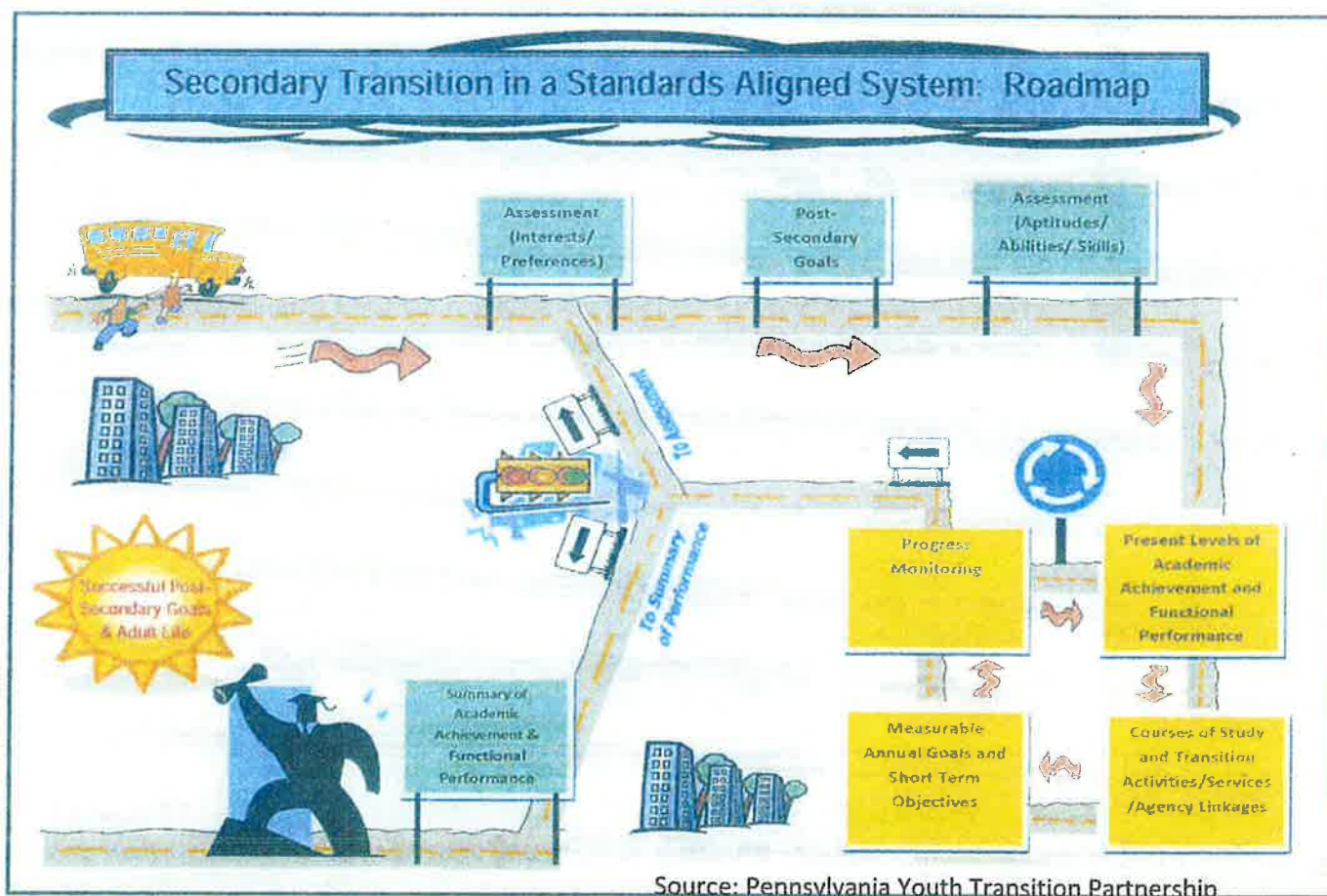
3A. Mandates: Goals are based on age appropriate assessments.

Basic assessment strategies include interest surveys, computerized information systems, portfolios, observation and interviews. There are an array of free tools and resources available. Transition assessment includes career/vocational assessments and an evaluation of other transition issues (readiness for transition, life skills, resources, and eligibility for support systems).

Assessments are conducted annually to form the basis of the transition plan.

Federal IDEA Guidance: Each year, the transition assessments should be revisited in a more specific manner, targeting the student's development. For students in grades nine and ten, a career exploration measure or interest inventory is typically satisfactory. For an older student, a vocational skills assessment is more appropriate. Assessment should address all three components of transition- employment, postsecondary education and training, and independent living.

As students move closer to leaving high school, it is important to address issues related to transition in terms of readiness for transition, availability of resources, and eligibility for services.



3B. Best Practices: Goals are based on age appropriate transition assessments. Person-Centered Planning is the key to quality transition planning and preparation.

Assessment should lead to self-discovery.

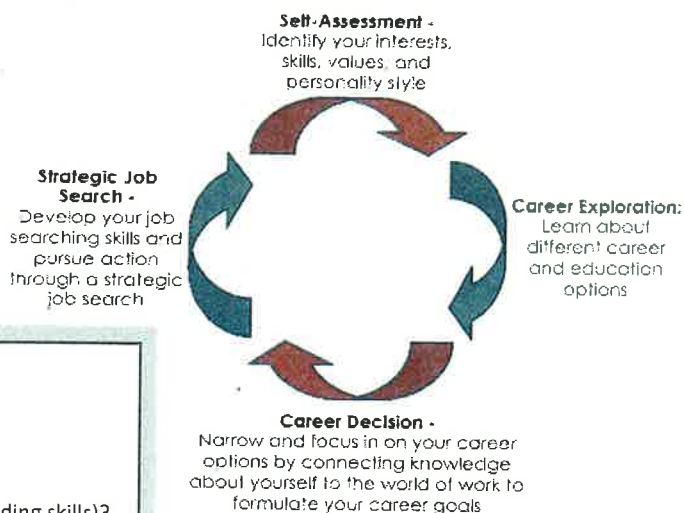
- ❖ Who am I?
 - ❖ What are my unique talents and interests?
 - ❖ What do I want in life now and in the future?
 - ❖ What are the main barriers to getting what I want from school and my community?
 - ❖ What are my options for achieving my goals?
- And lead to gaining personal insight that leads to informed choices!

Assessment is most effective when it leads to reflection, exploration and preparation!



Hints for choosing career / vocational assessments:

- Is it easy for the student to use?
- Is it age/grade appropriate? Can students relate to language?
- Does it stereotype career choices?
- Is it easy to read and interpret? (does it assess interests or reading skills)?
- Does it provide feedback that leads to reflection?
- Does it enhance insights?
- Does it reflect the current and emerging job market?



Some of the Most Common and Easily Accessed Assessment Resources

California Career Resource Network (CalCRN) California Career Zone California Career Planning Guide Career Surfer Mobil App www.californiacareers.info	Drive of Your Life (Online career exploration game for middle school and high school students to learn about themselves and their future.) www.driveofyourlife.org
Casey Life Skills (Rates life skills) www.caseylifeskills.org Transition Health Care Checklist http://www.portal.state.pa.us	Two CA Sites that received national recognition for career development resources for youth with disabilities TIPs for Success www.shastacareerconnections.net Personal Data Wizard http://www.hrop.org/wizard/
O'NET- (a National databank of career information) www.onetonline.org www.mynextmove.org Employment Development Department (EDD) Labor Market Information Work Smart Occupational Guides Local job information www.edd.ca.gov/lmid	Resources for Individuals with ID/DD E Jam Environmental Assessment www.transitioncoalition.org How I want to Spend My Time http://www.dds.ca.gov/ConsumerCorner/docs/HowIWantoSpendMyTime_English.pdf Skills for Paying the Bills Curriculum www.dol.gov/odep
A fun new way to develop a resume http://www.sliderocket.com/blog/2011/09/how-i-landed-my-dream-job-with-a-presume/	California Career Briefs offer career assessment, career exploration activities and career curriculum resources. http://cacareerbriebs.com www.cacareercafe.com



4A. Mandates:

IEPs are required to list transition services that will be provided to help youth achieve their transition goals.

Transition services, beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined by the IEP Team. and updated annually, the IEP must include measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including the course of study) needed to help the child in reaching those goals.

Transition Services as listed in IDEA Regulations and California Education Code with California Special Education Information Management System (CASEMIS) Codes

- 820 – College Awareness
- 830 – Vocational Assessment, Guidance, Career Assessment
- 840 – Career Awareness, Self-Advocacy, Career Planning
- 850 – Job Coaching
- 860 – Mentoring, Sustained coaching
- 865 – Agency Linkages
- 870 – Travel/Mobility
- 890 - Other coordination, Linkage
- 900 - Other special education, Related Services



4B. Best Practices: Transition Services

The coordinated set of activities delineates who will do what this year to assist the student in achieving the annual goals to support movement toward the post-secondary outcomes.

Evidence-Based Best practices tell us:

- ❖ There should be at least one transition service listed that corresponds or connects to each postsecondary outcome; and
- ❖ The student's IEP should document transition services that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school and,
- ❖ Transition services include academic and functional activities, supports and services.

The NSTTAC Predictors of Improved Post-School Outcomes for students with Disabilities highlight these services as being research-based best practices:



Career Awareness: Services that engage students in exploring career and educational options, effective job search skills, and the development of skills needed for success in the workplace and in the classroom.



Community experiences: Training that takes place in the natural environment focused on social skills, domestic skills, accessing public transportation and on the job training.



Inclusion in General Education: Students who participate in regular education placements, and in career technical and occupation specific classes, are more likely to be engaged in post-high school education, employment and independent living. Teachers collaborate with core academic and Career-Technical Education (CTE) Teachers.



Self-Advocacy: Self-determination skills, knowledge of disability and accommodations, leadership opportunities, goal setting and problem-solving lead to post-school success.



Paid Employment / Work Experience: Working provides an opportunity to apply learning and develop college and career readiness, knowledge and skills (academic skills, technical skills, higher order thinking skills and applied workplace skills) that lead to employment.



Integrated work: This is the national focus for individuals with ID/DD issues.

Connections: Workplace mentors, family support system, interdisciplinary and interagency Collaboration. Connections to "next environments"

5A. Mandates: Course of Study

Courses of study are defined as a multi-year description of coursework to achieve the student's desired post-school goals, from the student's current to anticipated exit year. (NSTTAC Indicator 13 Guide)

Based on a review of legislation and California Education Code (EC) that inform the course of study for the state of California, and, with the goal of making sure we do not create liabilities for any students, the California Secondary Transition Leadership Team has recommended:

1. The course of study must intentionally and explicitly reflect each student's secondary completion goals and postsecondary transition goals.
2. For students who plan to earn a high school diploma the student must meet State and district graduation requirements.
3. Elective classes or those meeting the State and district graduation requirements such as performing and visual arts, foreign language (language other than English including American Sign Language), and career technical classes should reflect the individual student's career interests and postsecondary goals.
4. The course of study should be sufficiently generic to be portable across district and/or state lines.
5. Student progress toward achieving a high school diploma or certificate of completion should be monitored at least once annually with consideration given to attendance, grades, credit status and other educational performance measures. The course of study should also be reviewed at least once annually for all students.
6. It should be recognized that, to the maximum extent possible, attainment of a high school diploma should be recognized as partially meeting postsecondary education and employment goals. (Some employers require a diploma to meet their minimum requirement when considering job applicants).
7. It should be emphasized that the course of study and attainment of a diploma or certificate are not sufficient to document the provision of transition services as mandated in IDEA.
8. For students whose course of study will lead to certificates that are alternatives to a high school diploma, the certificate should intentionally and explicitly reflect each student's secondary completion goals and postsecondary goals. The citations in Education Code (EC) include:

EC Section 56390

Complete a prescribed alternative course of study
Meet IEP goals and objectives
Satisfactorily attend and participate in instruction.

EC Section 56026

Age Out of the K-12 system at age 22

9. Courses of study that lead to certificates of completion should include annual IEP goals that explicitly describe evidence-based instructional practices and predictors with appropriate criterion measures of performance / achievement that when attained, demonstrate progress toward achieving postsecondary goals.



5B. Best Practice: Course of Study

The course of study defines the **multi-year set of classes** in the pathway to secondary goals (graduation, diploma, certificate) that begins in middle school and culminates the last year in school.

Postsecondary Education Goal

If the Postsecondary Education Goal is to enroll at a college or university, the postsecondary institution entrance requirements influence the course of study.

This chart reflects the generic courses with commonly used course titles

Grade 9	Grade 10	Grade 11	Grade 12
English I Social Science (personal growth, geography) Math (Algebra I) Science (Biology) PE Elective	English II Social Science(History) Math (Intermediary Algebra) Science (Physical Science) PE Elective	English III Social Science (American Gov) Math (Geometry) Science (chemistry) Elective Elective	English IV Social Science (Economics) Elective Elective Elective Elective

- ❖ Electives are defined as Foreign Language (a language that is not English), Visual/Performing Arts, and Career-Technical Education classes and Regional Occupation Programs/Classes.
- ❖ The course of study may also include extracurricular activities that relate to postsecondary goals (yearbook, school newspaper, athletics, student leadership organizations (Future Farmers of America, Future Business Leaders of America, Key Clubs, etc).
- ❖ Career Pathway Programs have tools that clearly define the course of study for career-themed pathways and Linked Learning programs.

The school transcript suffices for meeting this expectation **only** if it includes the **multi-year** course of study. If it only lists the current or past years' classes, grades and credits, it is insufficient for meeting this requirement.

If the secondary exit goal is the certificate of completion, the course of study should reflect the same level of preparation for postsecondary goals.



The Certificate of Completion is defined by the district. It is increasingly important that the certificate is meaningful for the next environment (work, home, community and college). Some programs have created "Work Ready Certificates".

A sample course of study for a certificate bound student may include:

Functional Academics	Domestic Domain	Community Domain	Vocational Domain
Math English / Language Arts Listening / Speaking	Grooming / Hygiene Personal Safety Life Skills	Social Behavior Community Resources Recreation and Leisure Communication Skills	Career Exploration Work Related Training Future Living, Working

State "the attached course of study lists classes and graduation requirements that prepare --- -- for postsecondary education and employment goal" on the IEP in course of study and attach a document, such as the counselor education and career plan, to the IEP.

6A. Mandates: Annual IEP Goals

Federal Guideline

For each area where a post-secondary measurable outcome/goal is identified, a measurable, annual IEP goal with benchmarks must be developed.

The Annual IEP Goal identifies what will be worked on this year to build the student's skills in achieving the post-school outcomes.

A Transition Plan has two types of goals:

Post-Secondary Goals

Measurable statements of what the student will achieve after leaving high school.

Post = AFTER
Secondary = HIGH SCHOOL

Measurable Annual Goals

What will be worked on this year to help build the student's skills in achieving the post-secondary outcome?

Annual = EACH YEAR
May be a statement in the transition plan of the IEP or in the academic goals.

Outcomes are achieved after students leave secondary education and are defined as employment, education/training and independent living.

Outcome data is based on post-secondary follow-up.



6B Best Practices: Annual Goals

The annual goals or instructional objectives define what the student is reasonably expected to do this year in order to achieve the postsecondary goal.



The formula for writing annual goals is SMART

Specific Measurable Action Realistic/Relevant Time Limited



Contextual Learning is a methodology that teaches academic standards in the contextual of their application to work, education and independent living.

For example, the student's postsecondary goal is employment.

Related topic	Goal / Tasks	Related Standards	Authentic Assessment
Job Search Skills	Apply for a job online Read job announcement Research job using ONET Complete application Write resume Submit on line	Common Core Standards Reading craft, structure Writing production, research Industry Standards: SCANS Basic Skills, Information Technology	Print out application and resume for portfolio.



Triangulating goals is a strategy that takes the post-school employment goal and uses career information (ONET) and Common Core Anchor Standards to inform the post-school education goal and annual goals.

Example:

Student Post-secondary Employment Goal:
After high school, I will work full time taking care of animals.

O'NET / My Next Move tell us Animal Care Takers: Feed, water, groom, bathe, exercise, or otherwise care for pets and other nonfarm animals, such as dogs, cats, ornamental fish or birds, zoo animals, and mice. Work in settings such as kennels, animal shelters, zoos, circuses, and aquariums. May keep records of feedings, treatments, and animals received or discharged. May clean, disinfect, and repair cages, pens, or fish tanks.

Skills required include basic skills, communication skills and hand dexterity. This job requires a high school diploma and training.

Post Secondary Education Goal
Earn Assistant Dog Groomer Certificate

Course of Study

Annual Goals Could Address:
 HS Diploma/Academic Skills,
 Career Technical Skills,
 Interpersonal skills
 Career Exploration, / Research
 Work Experience

Goal Language can be informed by
 Common Core Anchor Standards
 O'NET, SCANS, Blooms Taxonomy.

Resources that Inform the IEP and the Development of Goals

Common Core Anchor Standards	SCANS /21 st Century Skills	O'NET / My Next Move
Career Clusters Essential Standards	Smarter Balance Assessment	Alternative Assessments

7A. Compliance Requires:

Student Participation in the IEP

IDEA requires that the IEP is based on the individual child's needs, taking into account the child's strengths, preferences and interests.

Indicator 13 requires that the student is invited to the IEP.

The public agency shall invite the child with a disability to attend his or her IEP meeting if the purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. 34CFR300.37(b)(1)

If the child does not attend the IEP Team meeting the public agency must take other steps to ensure that the child's preferences and interests are considered. 34CFR 300.321(b)(2).

Transition planning is about the student's movement from high school to post-school life. It is based on the student's plans for the future. Therefore the student's input is essential. The needs and desires of the student and family are the core of the planning process.

The student may need preparation and practice in participating in the meeting.

There are five levels of participation in the IEP (Source: Transition Coalition)

1. Student input provided indirectly based on a questionnaire or survey,
2. Passive Observer (in the room, avoids the conversation).
3. Reluctant participant (responds to direct questions).
4. Self-Advocate (practices self-advocacy skills).
5. Leader (demonstrates leadership skills in the IEP).

7B: Best Practices: Student participation in the IEP

Self-Advocacy and Self Determination are essential skills for students with disabilities.

There are four ways students can be involved in the IEP process:

- ❖ Planning the IEP includes laying the foundation for the meeting by identifying strengths, needs, establishing goals, considering options and preparing resources to use at the IEP meeting.
- ❖ Drafting the IEP provides practice in **self-advocacy skills** - includes having students write a draft of their IEP that reflects their strengths and needs as well as interests and preferences.
- ❖ Participating in the IEP Meeting: Demonstrate self-advocacy skills. Student has the opportunity to share interests, preferences and needs and participate in the process of developing the transition plan.
- ❖ Implementing the IEP: Evaluate their own progress toward achieving goals.

Self-Advocacy is

Understanding your strengths and needs, identifying your personal goals, knowing your legal rights and responsibilities, and communicating these to others.

Characteristics of Self Determined People

- Awareness of personal preferences, interests, strengths and limitations.
- Have the ability to identify wants and needs.
- Make choices based on preferences, interests, wants and needs.
- Ability to consider a variety of options and anticipate consequences for their decisions.
- Ability to evaluate decisions based on the outcomes of previous decisions and revise future decisions accordingly.
- Ability to set goals and work towards them.
- Problem solving skills
- Striving for independence while recognizing interdependence with others.
- Self-Advocacy Skills
- Independent performance skills and ability to adjust performance.
- Persistence
- Ability to assume responsibility for actions and decisions.
- Self Confidence

From A Practical Guide for Teaching Self-Determination, Sharon Field, Jim Martin, et al,

Employ Self-Advocacy strategies to prepare students to participate actively in the IEP.



- **Inventory your strengths-** areas to improve or learn, goals and choices for learning or needed accommodations. Students complete an inventory sheet they can use at the IEP meetings.
- **Provide inventory information** (Use inventory, portfolio, presentation video, etc.)
- **Listen and respond-** learn the proper times to listen and respond.
- **Ask questions-** teach students to ask questions when they don't understand something.
- **Name your goals-** students name the goals they would like to see in their IEP.



Implement Student Led IEPs.

8A. Mandates:

An invitation to representatives of any participating agency (ies) to attend the IEP team meeting

If appropriate, a representative of a participating agency that is likely to be responsible for providing or paying for transition services should be invited to the IEP team meeting with the prior consent of the parent (or student who has reached the age of majority).

Documentation of the parental consent to invite the outside agency should be maintained. Documentation of the invitation to the outside agency should also be maintained.

Many agencies have age or grade criteria for engagement. If it is too early for outside agency involvement, the IEP can reflect that it is not applicable at this time.

The GAO Report entitled **STUDENTS WITH DISABILITIES**
Better Federal Coordination Could Lessen Challenges in the Transition from High School
From the July 2012 report to the Ranking Member, Committee on Education and the Workforce, House of Representatives

Students with disabilities face several challenges accessing federally funded programs that can provide transition services as they leave high school for postsecondary education or the workforce. These include difficulty navigating multiple programs that are not always coordinated; possible delays in service as they wait to be served by adult programs; limited access to transition services; a lack of adequate information or awareness on the part of parents, students, and service providers of available programs that may provide transition services after high school; and a lack of preparedness for postsecondary education or employment. Prior GAO work identified many of these same challenges, which is indicative of the longstanding and persistent nature of the challenges facing students with disabilities as they transition out of high school.

The primary reasons it is difficult to manage and prepare for transition cited in the report are:

- Lack of coordination of services among programs: Schools are required to invite agencies that provide transition services to IEP meetings, but agencies are not required to attend.
- Delays in services because of differing definitions of disabilities and eligibility criteria; differing assessment requirements and inability to share information.
- Lack of adequate information and awareness of options after high school.
- Inadequate preparation for postsecondary education and the workforce- driven by the emphasis on academic testing causing less time for career-technical and life skills education.

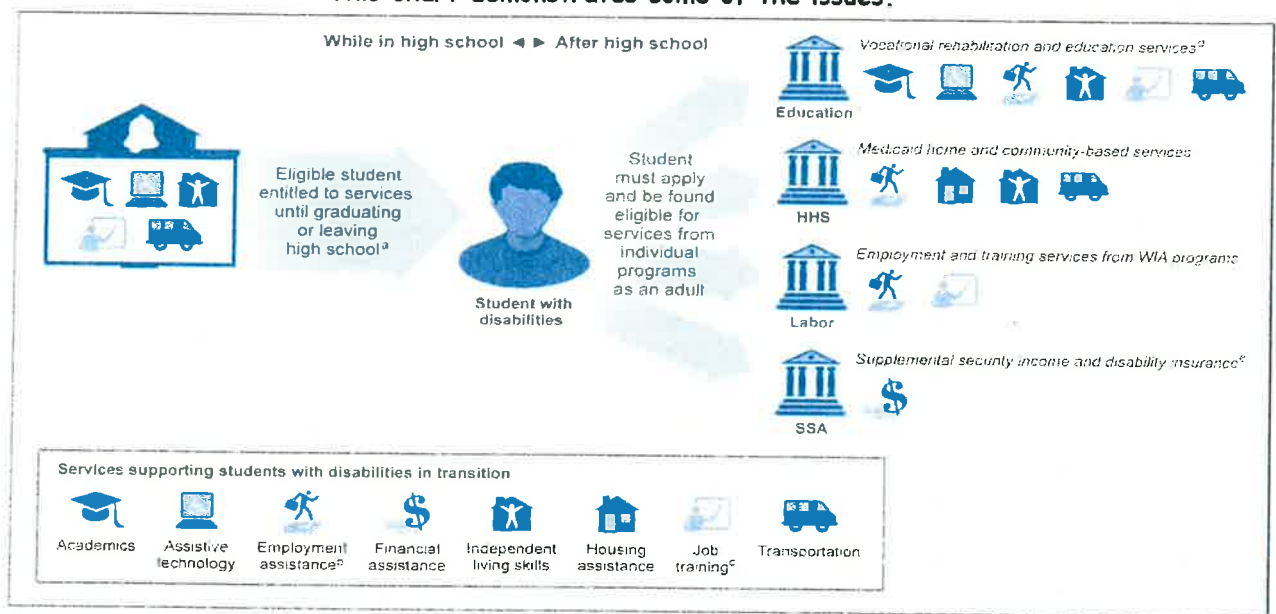


8B. Best Practices: Parent/Family and Interagency Collaboration

It is important to note that the IEP Team membership includes **families**, who play a critical role in the transition process. They are typically the coach, mentor, and advocate when the student leaves school. They need to be encouraged to actively engage in the IEP process and the development of post-school goals. They need information and support to access community agencies and resources that support youth they leave school.

A recent GAO report demonstrates the challenges students and families face as they try to navigate agencies after they leave high school. Agencies require students apply for services. They have a more narrow focus on transition than the K-12 system. They are allowed to have waiting lists. They also have different definitions of disabilities. Services can vary widely within state systems based on the community resources. Linking youth to agencies while in school make connections easier.

This chart demonstrates some of the issues.



Source: GAO analysis of agency documentation, including postings and publications.

Convene your local Community of Practice- collaborate with the agencies that provide transition services after high school.

	Employment	Education/Training	Independent Living
For All	Department of Labor <ul style="list-style-type: none"> Employment Dev. Dept. WIA / One Stops California Conservation Corps Job Corps 	Community College Universities Military Technical Training Regional Occupation Program	Social Services Public Transportation City and County Housing Health Departments
Disability Specific	Department of Rehabilitation Regional Centers Vended programs	Community College-Disabled Student Programs and Services (DSPS)	ILS programs Dial a Ride/Ride on Demand Social Security-SSI

- Partner with agencies in advance of IEP- with parent and student permission.
- Form local / regional Community of Practice or Partnership Groups to address transition.
- Invite agencies to the classroom. Offer Informational workshops, meetings for parents.
- Develop formal programs like the Transition Partnership Programs.
- Create community resource maps and information for students and parents to navigate transition.
- Communicate with transition destinations-Learn what students need to know and do to be ready for the next environment.

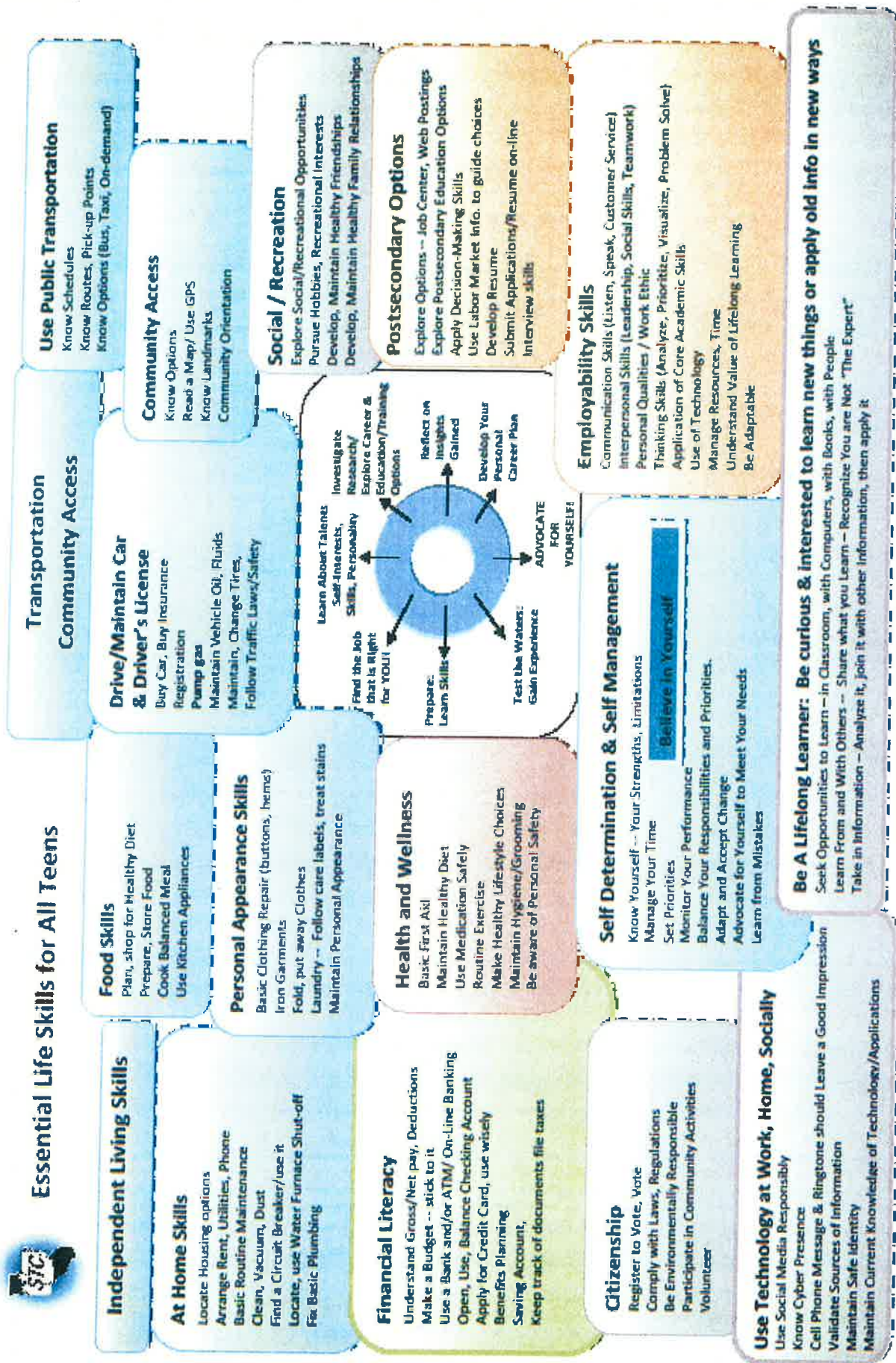
Compiled by Sue Sawyer, California Transition Alliance, 2013

Notes





Essential Life Skills for All Teens



© Shasta Twenty-First Century Career Connections

SOURCES: 21st Century Life Skills, Casey Life Skills, Ready by 21, Employment Literacy, SCANS 21st Century Skills, Equipped for the Future, California Career Planning Guide

Be A Lifelong Learner: Be curious & interested to learn new things or apply old info in new ways

Seek Opportunities to Learn -- in Classroom, with Computers, with People

Learn From and With Others -- Share what you Learn -- Recognize You are Not "The Expert"

Take in Information -- Analyze it, join it with other information, then apply it



